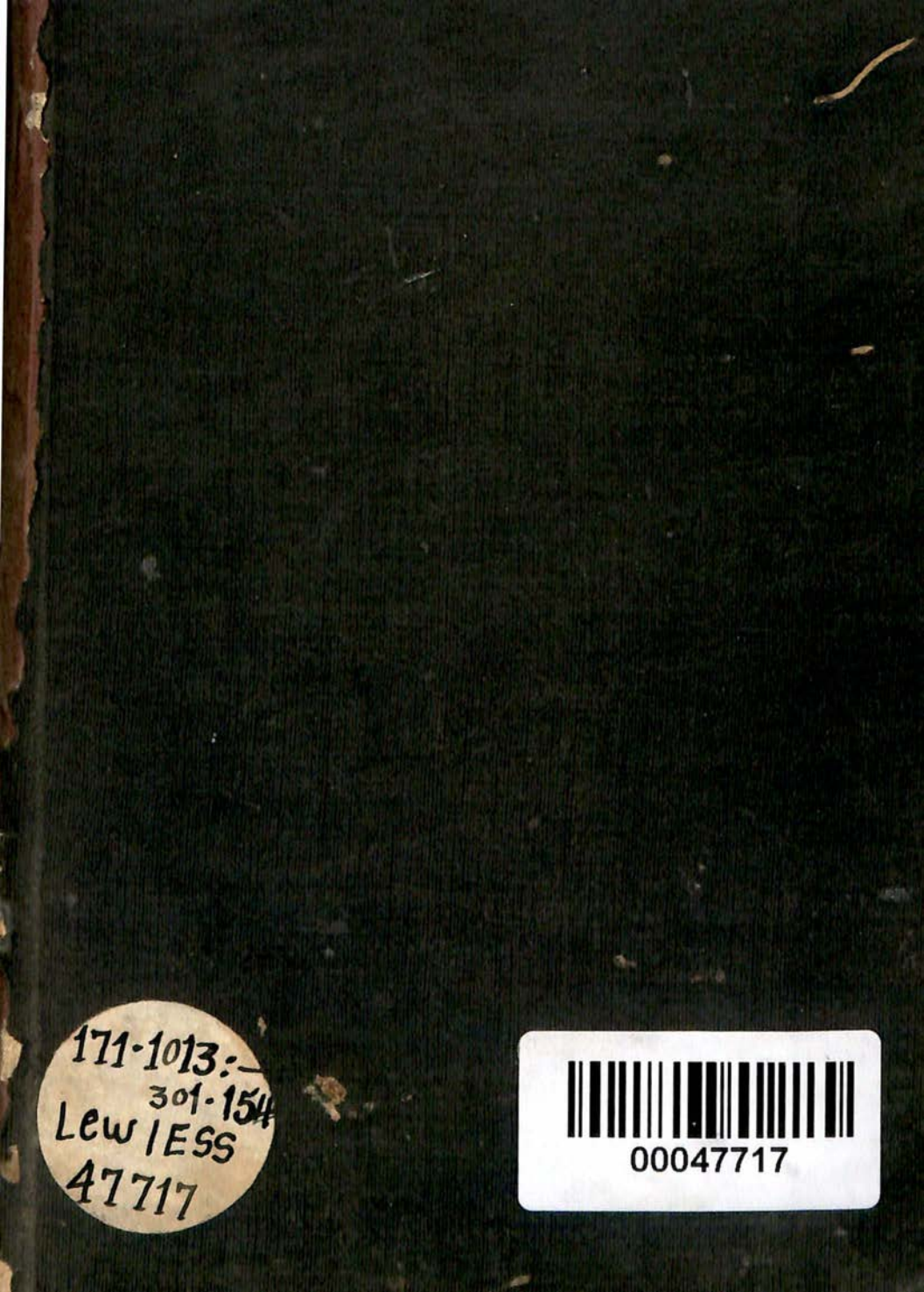
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ON THE

INFLUENCE OF AUTHORITY

IN

MATTERS OF OPINION

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AN ESSAY

ON THE

INFLUENCE OF AUTHORITY

IN

MATTERS OF OPINION.

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BY

GEORGE CORNEWALL LEWIS, ESQ.

SECOND EDITION.

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Errata.

P. 54, line 14 from foot, *for* to extend *read* of extending.

P. 108, last line, *for* septengintos *read* septingentos.

ON

THE INFLUENCE OF AUTHORITY

IN

MATTERS OF OPINION.

CHAPTER I.

ON THE NATURE OF AUTHORITY IN MATTERS OF OPINION.

§ 1. As the ensuing Essay relates to matters of opinion, it will be necessary for me, at the outset, without entering upon disputed questions of mental philosophy, to explain briefly what portion of the subjects of belief is understood to be included under this appellation, and what is the meaning of the generally received distinction between matters of opinion and matters of fact; a distinction which, though not scientifically precise, is, with a little explanation, sufficiently intelligible for the purposes of the present inquiry, and which marks, with tolerable accuracy, a distinction leading to important practical consequences.

By a Matter of Fact I understand anything of which we obtain a conviction from our internal consciousness, or any individual event or phenomenon which is the object of sensation. It is true that even the simplest sensations involve some judgment: when a witness reports that he saw an object of a certain shape and size, or at a certain distance, he describes something more than a mere impression on his sense of sight, and his statement implies a theory and explanation of the bare phenomenon. When, however, this judgment is of so simple a kind as to become wholly unconscious, and the interpretation of the appearances is a matter of general agreement, the object of sensation may, for our present purpose, be considered a *fact*. A fact, as so defined, must be

limited to individual sensible objects, and not extended to general expressions or formulas, descriptive of classes of facts, or sequences of phenomena, such as that the blood circulates, the sun attracts the planets, and the like.[1] Propositions of this sort, though descriptive of realities, and therefore, in one sense, of matters of fact, relate to large classes of phenomena, which cannot be grasped by a single sensation, which can only be determined by a long series of observations, and are established by a process of intricate reasoning.

Taken in this sense, matters of fact are decided by an appeal to our own consciousness or sensation, or to the testimony, direct or indirect, of the original and percipient witnesses. Doubts, indeed, frequently arise as to the existence of a matter of fact, in consequence of the diversity of the reports made by the original witnesses, or the suspiciousness of their testimony. A matter of fact may again be doubtful, in consequence of the different constructions which may be put upon admitted facts and appearances, in a case of proof by (what is termed) circumstantial evidence. Whenever such doubts exist they cannot be settled by a direct appeal to testimony, and can only be resolved by reasoning; instances of which are afforded by the pleadings of lawyers and the disquisitions of historians upon contested facts. When an individual fact is doubted upon reasonable grounds, its existence becomes a matter of opinion. The existence of such a fact, however, is not a general or scientific truth, but a question to be decided by a consideration of the testimony of witnesses.

§ 2. Matters of Opinion, not being disputed questions of fact, are general propositions or theorems relating to laws of nature or mind, principles and rules of human conduct, future probabilities, deductions from hypotheses, and the like, about which a doubt may reasonably exist. All doubtful questions, whether of speculation or practice, are matters of opinion. With regard to these, the ultimate source of our belief is always a process of reasoning.[2]

The proper mode of conducting this process, of guarding

[1] See Whewell's *Philosophy of the Inductive Sciences*, B. I. c. i., B. VIII. c. i., and B. XI. c. iii.

[2] 'I remember it was with extreme difficulty that I could bring my master to understand the meaning of the word *opinion*, or how a point could be disputable; because reason taught us to affirm or deny only where we are certain, and beyond our knowledge we cannot do either. So that controversies, wranglings, disputes, and

against errors of induction and deduction, of testing the soundness of existing arguments, and of establishing new truths by ratiocination; is the province of logical science. The science of logic, having been created by the inventive and penetrating genius of Aristotle, and afterwards systematised by the Schoolmen, was enlarged by the sagacious divinations of Bacon, who indicated its applications to natural philosophy, and freed it from much of the needless subtlety of the schools. Since the publication of the *Novum Organon*, the fundamental processes of thought connected with reasoning have been explored by Locke, Leibnitz, and the metaphysicians who have followed in their steps: and of late years, logical science has, in this country, received much illustration and improvement, from the writings of Archbishop Whately, Dr. Whewell, and Mr. John Mill: of whom, the first has improved the form of the scholastic logic, and adapted it to the wants of modern students; the second has expounded the philosophy of induction, and of its subsidiary processes, as applied to the whole field of the physical sciences; while the latter has determined the province of logic with precision, has established its first principles on a sound basis, and has systematised the methods of observation and deduction, for all the subjects of scientific research.

Upon the field of logical science, as defined by the writers whom I have referred to, I do not propose to encroach. The

positiveness in false or dubious propositions, are evils unknown among the Houyhnhnms.'—SWIFT.

The essential idea of *opinion* seems to be that it is a matter about which doubt can reasonably exist, as to which two persons can without absurdity think differently. The existence of an object before the eyes of two persons would not be a matter of opinion, nor would it be a matter of opinion that twice two are four. But when testimony is divided, or uncertain, the existence of a fact may become doubtful, and, therefore, a matter of opinion. For example, it may be a matter of opinion whether there was a war of Troy, whether Romulus lived, who was the man in the iron mask, who wrote Junius, &c. So the tendency of a law or form of government, or social institution, the probability of a future event, the quality of an action or the character of an historical personage, may be a matter of opinion.

Any proposition, the contradictory of which can be maintained with probability, is a matter of opinion.

The distinction between matters of fact and matters of opinion is recognised by Bacon, *Advancement of Learning*, vol. ii. p. 42, ed. Montagu. See also Locke, *Essay on the Understanding*, B. IV. c. xvi. § 5; *On the Conduct of the Understanding*, § 24; and Whately, *Rhetoric*, Part I. c. iii. § 3.

In the language of jurists, questions of fact are opposed to questions of law. Hence the maxim of our law: 'De jure respondent judices, de facto jurati.' On this subject, see Bentham *On Judicial Evidence by Dumont*, B. I. c. v.

object of the following pages will be of a subordinate and more limited kind. Without entering into any inquiry into the process of reasoning, or attempting to throw any light upon scientific method, it will concern a portion of the application of logical science, which has often been discussed in a detached or fragmentary manner, but which seems of sufficient importance to deserve a connected consideration.

It is familiarly known, that, in our progress from childhood to manhood, during the course of our education, and afterwards in the business of life, our belief, both speculative and practical, is, owing to our inability or unwillingness to investigate the subject for ourselves, often determined by the opinions of others. That the opinions of mankind should so often be formed in this manner, has been a matter of regret to many writers: others again have enforced the duty of submitting our convictions, in certain cases, to the guidance of fit judges; but all have admitted the wide extent to which the derivation of opinions upon trust prevails, and the desirableness that the choice of guides in these matters should be regulated by a sound discretion. It is, therefore, proposed to inquire how far our opinions may be properly influenced by the mere *authority*[1] of others, independently of our own conviction founded upon appropriate reasoning.

When any one forms an opinion on a question either of speculation or practice, without any appropriate process of reasoning, really or apparently leading to that conclusion, and without compulsion or inducement of interest, but simply because some other persons, whom he believes to be competent judges on the matter, entertain that opinion, he is said to have formed his opinion upon authority.

If he is convinced by a legitimate process of reasoning—as by

[1] This use of the word *authority* is in accordance with its sense in classical writers. One of the meanings of *auctoritas* is explained by Facciolati, as follows: 'Item pro pondere ac momento quod habent res legitime, sapienter, ac prudenter constitutæ, ut sunt leges, decreta senatus, responsa prudentum, res præclare gestæ, sententiæ clarorum virorum.'—See CIC. *Top.* c. xix.

An auctor meant the originator or creator of anything. Hence Virgil speaks of the deified Augustus as 'Auctorem frugum tempestatumque potentem,' (*Georg.* i. 27;) and Sallust says that unequal glory attends 'Scriptorem et auctorem rerum,' (*Cat.* c. ii.) Hence any person who determines our belief, even as a witness, is called an auctor. Thus Tacitus, in quoting Julius Cæsar as a witness with respect to the former state of the Gauls, calls him 'Summus auctorum,' (*Germ.* c. 28,)—*i.e.*, the highest of authorities. As writers, particularly of history, were the authorities for facts, 'auctor' came to mean a writer. Hence Juvenal speaks of a preceptor of the

studying a scientific treatise on the subject—his opinion does not rest upon authority. Or if he adopts any opinion, either sincerely or professedly, from motives of interest, or from fear of persecution, he does not found his opinion upon authority. He who believes upon authority, entertains the opinion simply because it is entertained by a person who appears to him likely to think correctly on the subject.

Whenever, in the course of this Essay, I speak of the *Principle of Authority*, I shall understand the principle of adopting the belief of others, on a matter of opinion, without reference to the particular grounds on which that belief may rest.

In pursuing the inquiry, thus indicated in general terms, I shall attempt, first, to describe the circumstances under which opinions are usually derived from authority, and next, to ascertain the marks of sound or trustworthy authority in matters of opinion. Having shown what are the best indications of the competent judges in each subject, I shall inquire as to their numerical ratio to the rest of the community, and shall afterwards offer some remarks upon the application of the principle of authority to questions of civil government. Lastly, I shall make some suggestions upon the best means of creating a trustworthy authority in matters of opinion, and of guarding against the abuses to which the principle of authority is liable.

§ 3. It will be shown presently that a large proportion of the general opinions of mankind are derived merely from authority, and are entertained without any distinct understanding of the evidence on which they rest, or the argumentative grounds by which they are supported. Moreover, the advice of professional persons, or other competent judges in any subject matter, has great influence in questions of practice, both in public and private life. An inquiry, therefore, into the legitimate use of the principle of authority, and the consequences to which it tends, must be admitted to relate to an important subject. The importance of investigations in the field of logical science is undoubtedly far superior, inasmuch as logic furnishes the ultimate tests for the discovery of truth. The rules of logic, considered as an art, are a guide to the mind in the conduct of all processes of independent reasoning and intellectual investigation. A complete and philosophical scheme of logic is, therefore, a powerful instrument for

Roman youth being required, 'Ut legat historias, auctores noverit omnes, Tamquam ungues digitosque suos.'—VII. 231. Compare Quintilian, *Inst. Orat.* I. 8, § 18–21.

facilitating the confutation of existing errors, and the discovery of new truths. It thus opens the way to the progressive advancement of science; all accurate knowledge must ultimately be derived from sound methods of investigation. For all scientific truths we must be indebted to original researches, carried on according to logical rules. But when these truths have been discovered by original inquirers, and received by competent judges, it is chiefly by the influence of authority that they are accredited and diffused. Now, it is true that when a person derives an opinion from authority, the utmost he can hope is to adopt the belief of those who, at the time, are the least likely to be in error. If this opinion happens to be erroneous, the error is necessarily shared by those who receive it upon mere trust, and without any process of verification. For example, before the Copernican system of the world was demonstrated, and accepted by all competent astronomers, persons ignorant of astronomy naturally believed in the truth of the Ptolemaic system, which was received among all astronomers of authority. Until men of science had, by independent observation and reasoning, overthrown this erroneous doctrine, and established the true system of the world, the opinions of all those who relied upon authority were necessarily misled. It must be admitted that the formation of opinions by authority can never (except by indirect means), produce any increase or improvement of knowledge, or bring about the discovery of new truths. Its influence is at best confined to the diffusion and extension of sound opinions, *when they are in existence;* and the utmost that any rules on the subject can effect is to enable an uninformed person to discern who are the most competent judges of a question on which he is unable, from any cause, to judge for himself. But it is, nevertheless, of paramount importance that truth, and not error, should be accredited; that men, when they are led, should be led by safe guides; and that they should thus profit by those processes of reasoning and investigation, which have been carried on in accordance with logical rules, but which they are not able to verify for themselves.

With the view of arriving at the best means for the accomplishment of this desirable end, we shall proceed, first, to indicate the extent of the opinions necessarily founded on authority, and shall afterwards endeavour to trace the manner in which the principle of authority can be so applied as to be most conducive to the welfare of human society.

CHAPTER II.

ON THE EXTENT OF THE OPINIONS FOUNDED UPON AUTHORITY.

§ 1. The opinions of all children and young persons are necessarily derived from their parents and teachers, either without any knowledge, or with a very imperfect knowledge, of the grounds on which they rest, or the objections to which they may be liable. Even in cases where the reason is given with the opinion, the belief of a child is often determined rather by the authority of the teacher, than by the force of the argument. The subjects connected with the relations of physical objects, as well as with morals and religion, which are early presented to the mind of a child, often involve considerations so numerous, so complex, and so remote from his limited experience, that a full explanation of them would necessarily bewilder, rather than enlighten his understanding. Much instruction, too, is conveyed to a child in language, the full import of which he cannot comprehend. Words are often counters, not money, to children. They counterfeit processes of thought, rather than represent them. Much of the benefit of such early tuition consists in its familiarising the child with the names of ideas, which in its mind are still invested only with a vague and shadowy form, and in habituating it to the use of the great instrument of thought and discourse—language. Hence, in the education of children, a respect for the teacher as teacher, and for his precepts, independently of his reasons for them, is necessary: and it is important to inculcate principles and truths, even though the evidence of them is not, and cannot be, fully understood.[1]

In this manner a person grows up, having imbibed, almost unconsciously, from his parents, teachers, and friends, the opinions

[1] Δεῖ τοῖς ἔθεσιν ἦχθαι καλῶς τὸν περὶ καλῶν καὶ δικαίων καὶ ὅλως τῶν πολιτικῶν ἀκουσόμενον ἱκανῶς. ἀρχὴ γὰρ τὸ ὅτι, καὶ εἰ τοῦτο φαίνοιτο ἀρκούντως, οὐδὲν προσδεήσει τοῦ διότι. ὁ δὲ τοιοῦτος ἢ ἔχει ἢ λάβοι ἂν ἀρχὰς ῥᾳδίως.—Aristot. *Eth. Nic.* i. 2.

and sentiments on religion, morality, government, history, and the relations of external nature, which are current in his country, at his time, among the persons under whose tuition he has been placed, and with whom he has associated.[1]

This transmission of opinions from one generation to another, in a lump, (like the succession of property *per universitatem*, according to the expression of the Roman lawyers,) which results from family influences and the authority exercised by the parent and the senior upon the mind of the child and the junior, doubtless contains a considerable alloy of evil, inasmuch as it perpetuates error in combination with truth, and affords no test for their discrimination.[2] But it is mainly this process which, in each community, connects the present with the past, and creates a unity and continuity of national character and feeling. It is the insensible and incessant propagation of opinions from the old to the young within the circle of every family, and the uninquiring adoption by the growing generation of the moral and intellectual ideas of their immediate predecessors, which give to each nation its distinctive attributes—which enable it to maintain its characteristic peculiarities, and which prevent the general level of civilisation throughout the country from receding or becoming irregular.[3] The traditions of civilisation, if we may use the expression, are, to a great extent, perpetuated by the implicit faith of children in the authority of their parents.

§ 2. To what extent a man, when his reason becomes mature, and he is emancipated from parental control, will modify the opinions with which he has been imbued during his childhood, depends upon the circumstances of his subsequent life.

If he belongs to the working-classes, he will probably, unless his circumstances be peculiar, retain these opinions through life, with little verification or enlargement. His opportunities for observation will be principally confined to his relations with his

[1] Ceteri primum ante tenentur adstricti, quam, quid esset optimum, judicare potuerunt: deinde infirmissimo tempore ætatis, aut obsecuti amico cuidam, aut unâ alicujus, quem primum audierunt, oratione capti, de rebus incognitis judicant, et ad quamcunque sunt disciplinam quasi tempestate delati, ad eam, tamquam ad saxum, adhærescunt.—CICERO, *Acad. Prior.* II. 3.

[2] Ratio illa humana, quam habemus, ex multâ fide et multo etiam casu, necnon ex puerilibus, quas primo hausimus, notionibus, farrago quædam est et congeries.—BACON, *Nov. Org.* Lib. I. aph. 97. Compare Locke, *On the Conduct of the Understanding*, § 41.

[3] Compare Comte, *Cours de Philosophie Positive*, tom. iv. p. 581.

employer, together with the manual operations in which he is occupied. Owing to the cheapness of newspapers and tracts, he may occasionally obtain imperfect and partial glimpses into some of the political questions of the day; but he can rarely exercise any independent judgment, except upon the matters with which his labour makes him personally conversant. This description applies particularly to the agricultural labourers, who are not within the influence of the more stirring life of towns. 'A great part of mankind,' (says Locke,) 'are, by the natural and unalterable state of things in this world, and the constitution of human affairs, unavoidably given over to invincible ignorance of those proofs on which others build, and which are necessary to establish those opinions; the greatest part of men, having much to do to get the means of living, are not in a condition to look after those of learned and laborious inquiries.'[1]

With the middle classes, there is more opportunity for the independent formation of opinions, by the acquirement of knowledge and observation of the world. Their time is, however, from an early age, engrossed with their industrial pursuits. Their daily business, combined with the care of their families, necessarily consumes the chief part of their attention, and leaves few opportunities for study and reflection. Such knowledge, however, and fitness for judgment as springs from special skill, and from a familiar acquaintance with the mechanical processes of certain arts, trades, and manufactures, will often be found in this class.

With regard to the wealthier classes,[2] comprising a large number of persons who have received a liberal education, and have leisure and means for study, observation, investigation, and reflection, the facilities for the independent formation of opinions are greater. But many of these, particularly the more energetic, are occupied with business and the affairs of active life, which either leave little time for reading and thought, or restrict it to one subject. Others consume a large portion of their time in amusements, or, at the most, in pursuits of mere curiosity; and still more acquiesce, without examination, in the opinions current amongst their friends and associates. Even persons of a speculative turn of mind, having leisure for speculation, confine their thoughts to a limited class of subjects, and entertain on all other subjects opinions mainly derived from authority. For example,

[1] *Essay on the Understanding*, B. IV. c. xx. § 2.

[2] See the remarks of Locke, ib. § 6.

a mathematician takes his historical and political opinions, a moral philosopher or an historian takes his physical opinions, on trust. The difficulty and labour of original thought and investigation are great; the number of subjects is enormous; every year adds to the stock of known facts, both in history and physics. The invention of printing and paper, by multiplying and perpetuating the records of facts and opinions, has rendered it impossible even for a professed student to explore more than certain portions of the field of knowledge. Hence (as we shall show more fully lower down [1]), the use of reviews, manuals, compendia, encyclopædias, and other books of reference, which serve as guides to the character of works, which contain results and opinions without the scaffolding by which they were constructed, and abridge intellectual labour.

§ 3. Men in general, with regard even to their opinions, are influenced by the prevailing fashion. They fear singularity more than error; they accept numbers as the index of truth; and they follow the crowd.[2] The dislike of labour, the fear of unpopularity, the danger even of setting up individual opinion against established convictions and the voice of the multitude, contribute to strengthen this inclination. In the voting of political bodies, it is necessary (as we shall see hereafter) to make the decision depend upon the numerical majority. But although everybody is aware that numbers are not a test of truth, yet many persons, while they recognise this maxim in theory, violate it in practice, and accept opinions simply because they are entertained by the people at large. It may be added, that a state of doubt, or suspense, as to opinions, particularly on important subjects, is painful to most minds, and men are impatient of the delay, or unwilling to make the exertion needful for the independent examination of the evidence and arguments on both sides of a disputed question. Hence, they are prone to cut the knot by accepting without verification, or with a very partial examination of its grounds, the opinion of some person whom, for any reason, they look to with respect, and whom they consider a competent judge in the matter. This feeling is naturally much strengthened by a conviction which

[1] Chapter IX.

[2] Pendemus toti ex alienis judiciis, et id optimum nobis videtur, quod petitores laudatoresque multos habet, non id, quod laudandum petendumque est. Nec viam bonam ac malam per se æstimamus, sed turbâ vestigiorum, in quibus nulla sunt redeuntium.—SENECA *de Ot. Sapient.* c. XXVIII.

the modesty and candour of most persons will suggest to them—viz., that if they do their best to form an independent judgment, they are not more likely to be right than other persons who have previously examined the subject, and whose opinions are known.

§ 4. There is a further motive which induces us to rely upon the judgment of persons whom we believe to have previously examined a subject with care and attention, and to be competent to form a sound opinion upon it. Even if we have, at some former time, gone through a process of study and examination, and have arrived at a given conclusion, the reasons for that conclusion do not always remain present to our mind. We may hold the opinion, rather upon the recollection of our having once ascertained it to be well grounded, than from a present perception of its grounds. 'I confess, (says Locke,) in the opinions men have, and firmly stick to, in the world, their assent is not always from an actual view of the reasons that at first prevailed with them; it being in many cases almost impossible, and in most very hard, even for those who have very admirable memories, to retain all the proofs which, upon a due examination, made them embrace that side of the question. It suffices that they have once with care and fairness sifted the matter as far as they could, and that they have searched into all the particulars that they could imagine to give any light to the question, and with the best of their skill cast up the account upon the whole evidence; and thus, having once found on which side the probability appeared to them, after as full and exact an inquiry as they can make, they lay up the conclusion in their memories as a truth they have discovered; and for the future they remain satisfied with the testimony of their memories, that this is the opinion that, by the proofs they have once seen of it, deserves such a degree of their assent as they afford it. This is all that the greatest part of men are capable of doing in regulating their opinions and judgments; unless a man will exact of them either to retain distinctly in their memories all the proofs concerning any probable truth, and that, too, in the same order and regular deduction of consequences in which they have formerly placed or seen them, which sometimes is enough to fill a large volume on one single question; or else they must require a man, for every opinion that he embraces, every day to examine the proofs, both which are impossible. It is unavoidable, therefore, that the memory be relied on in the case, and that men be persuaded of several opinions, whereof the proofs are

not actually in their thoughts—nay, which perhaps they are not able actually to recal. Without this, the greatest part of men must be either very sceptics, or change every moment, and yield themselves up to whoever, having lately studied the question, offers them arguments, which, for want of memory, they are not able presently to answer.'[1]

As is very clearly explained in the preceding passage of Locke, our belief in a matter of opinion often rests upon our memory of an investigation which we have formerly made; we rely on a process of reasoning which we remember that we went through, though we cannot now recollect its several steps, and only recal its final result: we know that we had once sufficient reasons for the opinion, though the reasons themselves are no longer in our thoughts; so that we believe, as it were, *upon our own authority;* we refer to a foregone process of inquiry, as a ground of present belief, in the faith that it was adequately performed, but without feeling the force of the reasons by which our mind was originally satisfied. If men did not thus fall back upon their own authority; if they did not for a time hold to an opinion in the confidence that their previous assent to it had been founded on adequate reasons, though these reasons may have faded from their memory, they would, as Locke truly remarks, be perpetually floating about in doubt, or they would be at the mercy of any person who had a readier and more retentive memory than themselves, or who happened from accidental circumstances to have mastered the arguments on one side of the question. There is one class of cases in particular, which may be referred to as illustrating our habit of entertaining opinions without any accurate memory of their grounds. This is, the estimates which we form of the characters of persons either in private or public life; our judgment of a man's character is derived from observing a number of successive acts, forming in the aggregate his general course of conduct. Now in proportion as our opportunities for observation are multiplied, our judgment is likely to be correct; but the facts from which our ultimate opinion is collected are so numerous, and often so trivial in themselves, that however sound the opinion may be, a large part of them necessarily soon vanish from the memory.

Being thus familiarised with the habit of entertaining an opinion without any present consciousness of its grounds, and from

[1] *On the Understanding*, B. IV. c. xvi. §§ 1 and 2.

a mere remembrance of a process of investigation which we formerly went through, it is easy to transfer this origin of belief to *another* person, and to accept an opinion because that other person, (whom, moreover, we believe to be more competent to judge in the matter than ourselves) has gone through a similar process of investigation. Being accustomed to treat his former self as a sort of *alter ego*, and practically to divide his own identity, a man can easily apply the same mode of reference to another person. At all events, such a ground of belief is quite legitimate until we are able to examine the question for ourselves; and is far preferable to the alternative of a temporary suspension of belief, (which in practical matters may tend to serious evils,) or subjection to a sophistical advocate whose business it is to present one side of the case in a favourable point of view.

§ 5. In the preceding remarks, we have had chiefly in view those general opinions which are termed speculative; and which, although they in fact ultimately determine men's conduct, yet have not an immediate bearing upon practice. The extensive department of Practice, however, also involves a constant succession of questions which cause a man to hesitate as to the course to be pursued, which give rise to diversity of opinions, and require the interference of a competent judge for their solution. In many of the affairs of private life, it is customary to follow the advice of professional and other persons having had an appropriate training and peculiar experience in the subject matter. Thus a physician is consulted in questions of health, a lawyer in legal questions, an architect or engineer in questions of building, a gardener in questions of horticulture, a sailor in questions of navigation, and the like. There is likewise frequent occasion in the administration of justice, and the transaction of public business, for appealing to the opinion of persons of professional and special knowledge. In practical affairs, too, many opinions are formed upon the authority of the civil government, of public bodies and persons in conspicuous and responsible positions, of the heads of churches and religious bodies, of universities, academies, and places of learning, and of leaders of parties, and other voluntary associations.

For the present, we merely indicate these sources of authority, as influencing the opinions of numerous persons: and we merely point out, in general terms, the extent of the opinions accepted upon trust, and formed without independent investigation, or a

knowledge of the grounds on which they rest. We shall now attempt to distinguish the cases in which this mode of forming opinions is properly applicable, and thus to determine the proper province of authority. As a first step in this inquiry, it will be necessary to consider what are the marks by which trustworthy authority in matters of opinion may be recognised, and what are the qualifications of a competent guide in questions of speculative truth and practical conduct.

CHAPTER III.

ON THE MARKS OF TRUSTWORTHY AUTHORITY.

§ 1. In the first chapter, we adverted to the received distinction between matters of fact and matters of opinion; and we showed that, although this distinction may be wanting in scientific precision, it nevertheless classifies the objects of belief in a manner suitable to the purposes of this Essay. Before, therefore, we proceed to enumerate the marks of trustworthy authority in matters of opinion, it will be convenient to ascertain the marks of trustworthy testimony in matters of fact, and to compare the qualifications which render a person a credible witness with those which give weight to a person's opinion, as such, independently of his reasons.

The credibility of a witness to a fact seems to depend mainly on the four following conditions: viz.—

1. That the fact fell within the range of his senses.
2. That he observed or attended to it.
3. That he possesses a fair amount of intelligence and memory.
4. That he is free from any sinister or misleading interest; or if not, that he is a person of veracity.

If a person was present at any event, so as to see or hear it; if he availed himself of his opportunity, so as to take note of what passed; if he has sufficient mental capacity to give an accurate report of the occurrence; and if he is not influenced by personal favour, or dislike, or fear, or the hope of gain, to misreport the fact; or if, notwithstanding such influence, his own conscience and moral or religious principle, or the fear of public opinion, deters him from mendacity, such a person is a credible witness.

Upon considering these conditions for veracious testimony, we see that, with respect to statements of fact, everything depends on the source from which they emanate. They rest entirely on

the credit due to known or assignable witnesses. But with arguments it is different. They have a probative force quite independent of the person by whom they are invented or propounded. They depend on the relation of premises and conclusion, of antecedent and consequent. For the truth of his premises the author of an argument may be personally responsible; but the sequence of his conclusion is a matter quite independent of his individual veracity. Logic, therefore, as a science, or art, of reasoning, has no concern with moral character; all arguments, as arguments, and reduced to their bare logical elements, are equally conclusive, whatever may be the source from which they proceed. Thus, in judicial proceedings, an advocate may argue with equal force on either side of a question, though without any personal conviction on the subject. He may handle arguments (as a fencer handles his sword) with the skill of a practised disputant, regarding them merely as instruments for the attainment of his end, but without making himself responsible for the soundness of his conclusions.[1] So a person may, as a rhetorical exercise, or for the purpose of eliciting the truth by the juxta-position of conflicting views, compose an argument on opposite sides of a question. Examples of this species of composition are afforded by all writings in the form of a controversial dialogue, such as the dialogues of Plato and Cicero and the Minute Philosopher of Berkeley. A person who produces an argument, produces something which can be judged without reference to himself, and which is not necessarily either confirmed or enfeebled by his individual qualities or circumstances. A new demonstration of a mathematical problem would in no way depend on the character of its inventor. But the witness to a fact can only depose truly to that fact; he cannot, like the arguer, choose his ground hypothetically; and the credibility of his testimony depends solely on his own personal circumstances and moral character.

§ 2. Anonymous testimony to a matter of fact, is therefore wholly devoid of weight; unless, indeed, there be circumstances

[1] 'Sir James Johnston happened to say that he paid no regard to arguments of counsel at the bar of the House of Commons, because they were paid for speaking. JOHNSON: "Nay, sir, argument is argument. You cannot help paying regard to their arguments, if they are good. If it were testimony, you might disregard it, if you knew that it were purchased. There is a beautiful image in Bacon upon this subject: 'Testimony is like an arrow shot from a long-bow—the force of it depends on the strength of the hand that draws it; argument is like an arrow from a cross-bow, which has great force though shot by a child.' "'—BOSWELL'S *Johnson*, vol. viii. p. 281.

which render it probable that a trustworthy witness has adequate motives for concealment, or extraneous circumstances may support and accredit a statement, which, left to itself, would fall to the ground.

Thus an anonymous communication may put a man on his guard, or may induce him to make inquiries in a certain direction, when it appears probable from the contents of the communication, or from other circumstances, that it may proceed from some quarter in which secrecy is rendered inevitable by a powerful interest. Such was the letter to Lord Monteagle concerning the Gunpowder Plot; such are threatening letters, or letters giving private information respecting the conduct of individuals, in a public or private capacity. Occasionally, it happens that important suggestions are conveyed in this manner; but, for the most part, information given anonymously turns out, on investigation, to be utterly worthless. An anonymous work, too, may sometimes exhibit internal evidence of truth; that is, there may be certain marks in the writing which give it an air of veracity, though the author may have deemed it prudent to withhold his name from the public. It is in this manner that anonymous statements of facts in newspapers are authenticated: the periodical appearance of the newspaper and the character which its management may have acquired for correctness of intelligence, serving as guarantees for the truth of its statements.[1] Statements in an anonymous publication may likewise acquire credibility from their remaining uncontradicted by persons who have an interest in contradicting them, and are acquainted with the facts of the case. It may be added that a work may be anonymous, from the loss of the author's name, though its original publication may not have been anonymous. For instance, the Acts of the Apostles, and many chronicles of the middle ages, are now anonymous, though there is no reason to suppose that the authors concealed their names from their contemporaries.

With these exceptions—which are rather apparent than real—it is essential to testimony that we should know the *witness* as well as the *fact*, and be able to estimate his individual qualifications, as a testifier or relator. Whereas, in the case of an argument, its conclusiveness, considered without reference to the truth of its premises, and judged merely by logical rules, is wholly independent of its author.

[1] See this subject further pursued in Chapter IX.

This independence of an argument with respect to the character of its author, implies, however, both that its inferential force is thoroughly understood, and that the truth of its premises is conceded. Whenever this is not the case, the character of the person who advances the argument is a most material consideration; and it is to cases of this sort that our present inquiry relates—that is to say, to cases where an opinion is accepted out of confidence in the person who holds it, and without any full comprehension of its grounds.

§ 3. It may be added that for all purposes of philosophical observation, a knowledge of the proper science, and a peculiar training of the senses, are requisite, and therefore that a witness who possesses these qualifications is far more credible than one who is destitute of them. For example, a scientific naturalist who reports that he has seen an undescribed animal or vegetable in a remote country, is far less likely to be mistaken than a common traveller, ignorant of natural history. A skilled witness of this sort may be considered, in a certain sense, as a *witness of authority*, inasmuch as his previous study and habits of observation give a peculiar weight to his report of the phenomenon.

§ 4. The distinction between testimony, argument, and authority, may be briefly summed up thus:—

In questions of testimony, I believe a matter of fact, because the witness believes it.

In questions of argument, I believe the conclusion to be true, because it is proved by reasons satisfactory to my understanding.

In questions of authority, I believe a matter of opinion, because it is believed by a person whom I consider a competent judge of the question.

§ 5. Now, on looking at the qualities which render anyone a credible witness to a matter of fact, we may remark that they are of common occurrence. For testimony, nothing further is in general required than opportunity of observation, ordinary attention and intelligence, and veracity. Almost every person of sound mind, who has reached a certain age, is a credible witness as to matters which he has observed, and as to which he has no immediate interest in deception or concealment.[1] For purposes of

[1] For the administration of justice, it is important that there should be some recognised tests of the credibility of witnesses to facts in dispute before the court. In almost all systems of judicial procedure, an attempt has been made to lay down

scientific observation, indeed, (as has been remarked,) a certain skill and practice beyond that possessed by ordinary persons is requisite; but when this has been acquired, no extraordinary qualifications are needed.

The qualities which render a person a competent authority in matters of opinion are of rarer occurrence. Many of them are, separately, not frequent; and the combination of them in the same individual is necessarily more uncommon; a person whose testimony to a fact would be unimpeachable, might be utterly devoid of authority as a guide of opinion. Besides, a person who is a credible witness for one matter of fact, is equally credible for all others which may fall under his observation; whereas (as we shall see hereafter) no man is equally competent as a guide of opinion in all subjects, and, in general, the authority of each person is, as compared with the sum total of human affairs, confined within a narrow range.

§ 6. The first qualification is, that a person should have devoted much study and thought to the subject-matter, if it be merely speculative; and that if it be practical, he should also have had adequate experience respecting it.

Secondly, his mental powers must be equal to the task of comprehending the subject, and they must be of the sort fitted to it.

Thirdly, he ought to be exempt, as far as possible, from personal interest in the matter; or, if he be not exempt, his honesty and integrity ought to be such as to afford a reasonable security against the perversion of his opinions by views of his individual advantage.

§ 7. The three qualifications just stated may now be examined with somewhat more of detail.

I. If the subject be extensive—if it be one of the great departments into which human knowledge is divided—a careful study of it, continued for several years, or even for a large part of a life, combined with frequent meditation, and, if possible, personal observation, is requisite in order to enable a man to understand it

inflexible legal rules on this subject. Thus, in some cases, the concurrent testimony of two witnesses to the same fact has been rendered necessary.; the evidence of persons standing in a near degree of affinity to one of the parties, or having a pecuniary interest in the cause, has been excluded. But experience has shown that, however useful maxims of this sort may be as guiding the discretion of the court in weighing the credibility of witnesses, the entire exclusion of evidence on such grounds obstructs the administration of justice.

thoroughly and to treat it with a sound and comprehensive judgment. All the great luminaries of science, whether mathematical, physical, metaphysical, ethical, or political, have fulfilled this condition. None of them would have acquired the authority, which their opinions, as such, independently of their reasons, possess, if they had not applied all their mental faculties during a large part of their lives to the subjects on which they wrote.

The extent and complexity of the more important departments of science are so great, that no person, however penetrating his intellect, can master any of them without years of patient study and reflection. Each science involves the consideration of a vast number of particular facts and phenomena, which the mind can only apprehend by passing over them in succession, and examining them separately. In order that the foundations of a science should be duly laid, and its superstructure raised and enlarged, this process must be frequently repeated, either for parts or for the whole. The institution of proper experiments, and the verification of the experiments of others, are likewise often slow and delicate processes; though they are powerful aids, of which the physical sciences enjoy the exclusive use. In the moral sciences, new facts, and combinations of facts, are constantly presenting themselves; but the observation of these, and their verification, together with the subsequent elimination of such concomitant phenomena as do not properly enter into the problem, require patient and sustained attention on the part of the scientific inquirer.

If the subject be one, not of mere speculation, but of knowledge to be applied in practice, a further condition is requisite. Not only must the guide of opinion have studied the subject theoretically, not only must he, if a lawyer, for example, have rendered himself familiar with the system of law, if a physician, have learned the science of medicine, but he must have practised it; he must have acquired the ability of applying this theoretical knowledge to actual cases, which experience alone can confer. In order that a person should be eminent in a learned profession, it is necessary that he should combine a knowledge of its principles, with that judgment, tact, dexterity, and promptitude of applying them to actual cases, which are derived from habits of practice. The like may be said of persons conversant in the constructive arts, as architects and engineers, of the military and naval services, of agriculturists, gardeners, manufacturers of different sorts,

&c. In order that they may give sound advice with respect to any practical question belonging to their own department, it is necessary that they should combine actual experience with abstract knowledge. In some cases, that experience implies even manual skill, which can only be acquired by practice. For example, a surgeon would not be a competent judge on a question of practical surgery, unless his judgment were assisted and corrected by actual manipulation of his instruments. In like manner, a person cannot be a competent judge of works of art, such as statues, pictures, coins, and engravings; or of articles of trade, as horses, wines, plate, &c., without practical observation and experience. In these cases, a certain training of the sight is necessary, analogous to the training of the hands and limbs in a mechanical employment or trade requiring bodily dexterity. The senses can be educated so as to discern marks which are invisible to the unpractised observer. There are slight indicia, which guide the judgment of the man of experience, and which no merely theoretical teaching can enable a person to detect. The occupation of the hunter or the fisher, again, requires an actual observation of the habits of the animals to be caught, in order to guide the judgment. In this minor species of warfare, a practical knowledge of the probable movements of the enemy, and of the best means of diverting or lulling his attention, of falling on him unawares, and of overwhelming him with a superior force, is as necessary, for success, as in naval or military tactics. A similar practical knowledge is a necessary qualification for those who are entrusted with the care and training of animals, as shepherds, horsebreakers, &c. For purposes of scientific observation, a training of the senses is likewise necessary. A scientific observer must be not only familiar with the terminology of his science, and be able to apply its technical terms readily to the proper objects, but he ought likewise to have acquired that delicacy, rapidity, and correctness of discernment which the habit of observation, combined with knowledge, can alone confer.[1]

§ 8. II. In order that a person should originate sound opinions on a subject of speculation and science, he ought not merely to have devoted a long time to the assiduous study and contemplation of the subject, but his mental powers ought to be superior to the average. His mind ought to be more wide-ranging and far-

[1] See this subject well explained by Dr. Whewell, *Philos. of Ind. Sciences*, B. XII. c. ii. §§ 26, 27.

seeing. He ought to be able to take a comprehensive or synoptical view of an extensive subject, and also to trace the remote consequences of an insulated principle. That high degree of intellectual power, which we call *genius*, and which the ancients attributed to the inspiration of the gods, is in itself inexplicable, and can only be judged by its effects. But some ray of that light is requisite in order to enable a person to be classed among the original teachers and guides of mankind.

Moreover, a man ought, in order to acquire authority as an inventor in matters of speculation, not merely to be superior in point of intellect to the average of men, but he ought also to possess the *peculiar* mental qualities which the subject demands. For example, in order to be pre-eminent in mathematical science, it is not sufficient for him to possess the faculties which fit him for the observation of outward nature. Nor will he be enabled to excel in speculation by powers which fit him exclusively for the solution of practical questions and the actual business of life. And, indeed, a person may be qualified to shine in one department or branch of a science, who has no aptitude for other portions of the same subject. As Pope expresses it in his *Essay on Criticism:*

> One science only will one genius fit,
> So vast is art, so narrow human wit.
> Not only bounded to peculiar arts,
> But oft in those confined to single parts.
> (v. 60–63.)

Such eminence of intellectual power as enables a person to discover and establish important principles in the physical and moral world is of rare occurrence, and it is not necessary to qualify one who has studied a subject, to comprehend the views and reasonings of others, and to form a competent judgment upon their soundness. Having fulfilled the previous condition of study and reflection, a person of fair capacity may accredit speculative opinions, and serve as a safe guide to others in his capacity of a discriminating judge, although he may not be able to lead them on as an inventor. Such a person may be able to separate truth from error among existing opinions, though he might not be able to discover the truth, if unknown, and proclaim it to the world. Or he may be able to arrange and systematise existing knowledge; to expound it with perspicuity; to improve subordinate parts of a science, and to correct errors in accessories, without attempting to grapple with fundamental questions.

For practice again, eminent intellectual superiority is not essential; and experience alone, combined with study, if there be a fair amount of ability, will suffice. A large number of the persons practising the learned professions are justly considered as safe and prudent guides in the subjects with which they are conversant, although their general mental powers may not be greatly superior to those of the majority of the educated classes in their own country. The same may be said of sailors, architects, engineers, and other classes of persons having a special training and aptitude for judgment with respect to their own subject. In each profession, however, eminence can only be attained by remarkable ability, fitting its possessor for the peculiar department of practice which he has chosen. As opposed to unprofessional men generally, the judgment of any professional man, whatever may be his natural talents, is of weight; but among men of the same profession, the opinion of those who are peculiarly fitted by nature, in addition to the advantages of experience, is that which is most highly valued.

It is not sufficient for success in practice that a person should have mastered a science, and should comprehend its theory; or even that he should attempt to apply its rules to actual cases. A certain dexterity and aptitude for the application of theory to practice is requisite. Not every man who has studied a system of rhetoric, and made some speeches, can become a successful orator; not every man who has studied law and medicine, and attended to the application of his knowledge, can be a good practising lawyer or physician. But, on the other hand, mere practical aptitude can never enable a man to practise a profession with success, unless he is well grounded in its principles. By dexterity, and a sort of legerdemain, he may conceal his defects, and divert attention from his weak points; but he never can be permanently successful. The great practitioners, whether in war, politics, law, medicine, the fine arts, or any other department of applied knowledge, have all combined a careful study of principles, and patient observation, with practical genius. Practicians, who are ignorant of the principles of their profession or art, instead of acting according to general maxims, of which they understand the grounds, steer their course (and sometimes merely grope their way) by means of *analogies*; that is to say, they argue from one case or instance to another, without being able to bring both of them under one general rule or premise. The practical man, who

has studied the theory of the subject in which he is employed, combines that tact which results from experience, with the knowledge of general principles. He is not only imbued with the theory, but he has also learned to apply it in practice, and he has acquired the facility, promptitude, correctness, and confidence of judgment, which result from habit and experience in the practical application of a sound theory; in the use of an art founded upon a matured science.[1]

§ 9. III. The third qualification for rendering a person an authority in matters of opinion, adverted to above, is honesty; the absence of personal interests likely to deprave his judgment, or an integrity sufficient to overcome such influences.

Even if a man has devoted much time and attention to the study of a subject, and is thoroughly conversant with its theory and practice; if his intellect is powerful, and he possesses the kind of ability suited to the subject; still it is further necessary, in order that his authority should be trustworthy, that he should be exempt from the operation of any misleading interest, or, at least, be proof against its influence.

Exemption from such misleading interest, with respect to an opinion, may be owing to the *nature of the subject.* For example, if the question relate to the mathematical or physical sciences, and have no close and immediate bearing on the concerns of life, it is not likely that the affections or desires should bias the mind in regard to it.[2] In questions of this sort, it is mainly the ardour of contention, the desire of gaining an argumentative victory over an antagonist, the dislike of a confession of error, or sometimes the jealousy of a rival or a superior, which can blind the judgment. The exemption may likewise arise from the *circumstances of the individual.* A subject which has a direct bearing on the interests of one person may have no connection, or only a remote connection, with the interests of another. It is universally admitted that no man ought to be a judge in his own case. But, if the case were not his own, his competency to form a judgment upon it might be indisputable. So, if any political measure be proposed which affects the interests of a profession, it may happen that persons belonging to that profession, though peculiarly competent to form

[1] Compare Mill's *System of Logic*, B. VI. c. xi.

[2] Credibile est illos pariter vitiisque locisque
Altius humanis exseruisse caput,

says Ovid, in speaking of astronomers.

an opinion respecting it, on account of their experience and knowledge, are disqualified on account of the probable bias of their judgment by personal considerations; and that the requisite *indifference* is only to be found among those who do not belong to the profession. Such out-lying persons may be the only impartial judges in the matter.

Even, however, if personal interests should tend to obscure or distort the judgment, that tendency may be resisted by a consciousness of the natural bias, and a strength of moral principle sufficient to overcome it. A knowledge of the character of particular persons may induce us to rely on their integrity, and to reckon on their resistance to such misleading influences. But as such virtue and strength of purpose is rare, its absence must be presumed until it is known or proved to be present.

It has been stated above, that the qualities which render a man a trustworthy authority in matters of opinion, are much rarer than those which render a man a credible witness in matters of fact. Accordingly, the honesty which induces a man to speak the truth, is more common than that which induces him to form sound opinions. There are many men who, under ordinary circumstances, would never be seduced by interest to report a fact falsely, or to express an insincere opinion, whose judgment might, nevertheless, be perverted by interest. It is commonly said that the belief is independent of the will, that is, of the desires or inclinations; and every one must be conscious that he cannot change the state of his belief, on matters either of fact or opinion, by merely wishing it to be otherwise. But the operation of a personal interest, bearing closely and directly upon the question, generally causes a man, unless he be remarkably honest or perspicacious, insensibly to adopt prejudices, or partial and unexamined opinions.[1] The dislike of listening to unpalatable truths, induces him to shut his ears against evidence and arguments opposed to the views which he considers favourable to his own interest; while, on the other hand, the desire of hearing evidence of a different character, leads him to read only the books, and to frequent only the company of persons, where opinions, in accordance with his interest, are likely to be expressed.[2] The operation

[1] See on this subject the remarks of Mr. Mill, *System of Logic*, B. V. c. i. § 3.

[2] 'We know some men will not read a letter which is supposed to bring ill news; and many men forbear to cast up their accounts, or so much as think upon their estates, who have reason to fear their affairs are in no very good posture.'—Locke *on the Understanding*, B. IV. c. xx. § 6. See also §§ 12 and 16.

of a personal interest in perverting the judgment is so insidious, that great honesty, combined with perpetual vigilance, is necessary in order to guard against its influence. Men utterly incapable of telling a deliberate untruth, or deliberately expressing an insincere opinion, are nevertheless liable to be warped by personal interest in the deliberate formation of opinions. When a strong bias of this sort exists, their minds, ready to receive every tittle of evidence on one side of a question, are utterly impervious to arguments on the other. Hence, we see opinions founded on a belief (and often a radically erroneous belief) of self-interest pervade whole classes of persons. Frequently, the great majority of a profession, or trade, or other body, adopt some opinion in which they have, or think they have, a common interest, and urge it with almost unanimous vehemence against the public advantage. On occasions of this kind, the persons interested doubtless convince themselves of the reasonableness of the view which they put forward; they are guilty of no hypocrisy or insincerity; but their judgment is warped by their belief as to their interest in the question. If, however, their view be in fact unsound and untenable, the more intelligent members of the class or body cannot fail, occasionally, to catch a few glimpses of the truth; in searching for confirmations of their opinion, they must sometimes stumble upon proofs of its weakness, and they must hence feel a misgiving as to the soundness of their cause. This mixed state of insincerity and interested prejudice is, probably, not uncommon in questions where the judgment is subject to a bias; but, in general, the errors of mankind, both in opinion and action, so far as they arise from considerations of personal advantage, are to be attributed rather to sincere, though interested prejudice, than to the direct suggestions of conscious interest.

When we speak of a man's conduct or opinions being determined by his interest, we of course mean, by his own opinions as to his interest. It is manifest that a man's real interest may differ from his apparent or supposed interest. In other words, the judgment of a foolish or ignorant man, with respect to his interest, may differ from that of wise and well-informed men on the same subject. When a man acts upon an enlightened view of his own interest—upon well ascertained grounds, and in accordance with the advice of judicious and discreet counsellors—he is said to act *prudently*. An *imprudent* man may, however, equally act from views of personal advantage, though upon hasty, ill-

considered, and uninformed views. The practical judgment of men, in private affairs, is constantly liable to be misled by erroneous opinions of self-interest, which, however, are, to a great extent obviated and counteracted by professional and skilled advice. In political affairs, it is necessary, for reasons which will be considered in another chapter; to give a freer scope to the opinion of each individual respecting his interest. The operation of this principle is, however, (as we shall see hereafter,) counteracted by numerous influences, in public as well as private affairs.[1]

It may be remarked, that many unsound opinions have a certain affinity with one another, and are formed in knots and clusters. Hence, if one of these is adopted from interested motives, it naturally leads a person to the others; so that a small portion of unconscious interest will sometimes leaven a man's opinions with a whole mass of error.

The influence of a personal interest in perverting the judgment may be resisted by steady honesty and integrity, even where the understanding is *not* remarkably strong. On the other hand, the moral sentiments may be so ill-directed as to deprave the judgment, even when the understanding is remarkably strong. Men of this sort may be *great*, but cannot be *wise*; for by *wisdom* we mean the power of judging, when the intellectual and moral faculties are *both* in a sound state. Napoleon affords a striking instance of the corruption of the judgment, in consequence of the misdirection of the moral sentiments. His intense selfishness and unscrupulous restless ambition seem at last to have completely distorted his mental vision. The ancients observed, that a man who had acquired great power and eminence in a State, being rendered giddy by his elevation, often lost his self-command, cast away the maxims of sobriety and moderation, by which he had been restrained when in a less exalted position, and thus came to a speedy downfall. His newly-acquired power depraved his moral character—the depravation of his moral character destroyed his judgment—and, having lost his judgment, his career became like that of a ship without a rudder. But, in accounting for this sequence of events, according to their popular religion, they said that the gods, being envious of his greatness, predetermined his ruin, and in order to effect his ruin, filled his mind with vain and

[1] See Chapter VIII.

foolish thoughts: thus representing his folly as the consequence of a precedent decision that he was to be humbled, and not as its sole and ultimate cause.

Generally, it may be said that the undue ascendancy of any passion or affection by which the calmness of the reason is disturbed, necessarily for a time impairs the judgment, by deranging its equilibrium. The state of mind most favourable to the formation of a sound opinion is, that a person should be eager about a subject—that he should (according to the common phrase) *take an interest* in it; but that his mind should not, in the consideration, be influenced by any suggestions of personal advantage.

'To be indifferent which of two opinions is true, (says Locke,) is the right temper of the mind that preserves it from being imposed on, and disposes it to examine with that indifferency, till it has done its best to find the truth, and this is the only direct and safe way to it. But to be indifferent whether we embrace falsehood or truth, is the great road to error.'[1]

For questions of practice, perfect honesty and freedom from personal bias are equally necessary in order to ensure trustworthy advice. Whether it be the opinion of a professional man in an individual case, or the exhortations of a public speaker in a deliberative assembly, integrity of purpose, and an exclusive regard for the interests of those whom he advises, are qualifications requisite to render him worthy of their confidence.[2]

§ 10. In order, therefore, to determine whether a person is a

[1] *On the Conduct of the Understanding*, § 12.

'Ou l'on est indifférent à la chose qu'on juge, et dès lors on est sans attention et sans esprit pour la bien juger; ou l'on est vivement affecté de cette même chose, et c'est alors l'intérêt du moment qui presque toujours prononce nos jugements. Une décision juste suppose indifférence pour la chose qu'on juge, et désir vif de la bien juger. Or, dans l'état actuel des sociétés, peu d'hommes éprouvent ce double sentiment de désir et d'indifférence, et se trouvent dans l'heureuse position qui le produit.'—HELVETIUS *de l'Homme*, S. IX. c. xviii.

[2] Cicero *de Off.* II. ix. § 8, describes the qualities which render a man trustworthy in matters of practice. The qualities are *probity*, (justitia,) and *prudence* or *wisdom*, (prudentia.) 'Iis fidem habemus, quos plus intelligere quam nos arbitramur, quosque et futura prospicere credimus, et cum res agatur, in discrimenque ventum sit, expedire rem, et consilium ex tempore capere posse.' Of these qualities he considers the former as the most important. Honesty without sagacity has considerable authority, but cleverness without honesty inspires no faith. 'Harum igitur duarum ad fidem faciendam justitia plus pollet: quippe cum ea sine prudentiâ satis habeat auctoritatis, prudentia sine justitiâ nihil valeat ad faciendam fidem: quo enim quis versutior et callidior est, hoc invisior et suspectior, detractâ opinione probitatis.'—Compare *Topica*, c. xix.

competent authority on a doubtful question, either of speculation or practice, it is necessary, as in the case of a witness to a fact, to go through a certain process of investigation and reasoning. With regard to a witness, we must satisfy ourselves that the alleged fact occurred within the range of his senses; that he took note of it; that he apprehended properly what he observed; and that he reported it faithfully. With regard to an authority in a matter of opinion, we must be assured that he had time to study and consider the subject; that he availed himself of his opportunity; that he understood what he studied; and that he judged correctly. The process of investigating a person's competence as a guide in matters of opinion is, however, less difficult and tedious than an examination of the subject itself. For example, it would be much easier to ascertain who is a competent authority upon a question of mechanics or astronomy, than to master mechanical or astronomical science. Moreover, in practical questions, experience, which implies time, is indispensable. Thus, if any unprofessional person wished to form an independent judgment upon a medical or surgical case, with a view to its treatment, he would be unable to decide and act with safety, however powerful and cultivated his understanding might be, and whatever diligence he might be willing to use in the study of the disease. The process of determining who is a competent authority is likewise, though a process of reasoning, not appropriate to the question. The truth of the opinion rests on evidence, which would be equally conclusive if the person whose authority is adopted had never existed. It is a second-best indication of the truth; but nevertheless, in a vast number of cases, the only guide which is practicable.

§ 11. Whenever, therefore, we seek to determine who is a competent authority to guide our opinion on any subject, we should select a person who combines the qualifications which have been just enumerated. We should look out for a man able, honest, and well-versed in the subject. Some further indications of trustworthy authority, derived from other considerations, may however be obtained, which will assist us in this search.

With respect to subjects of speculation and science, the existence of an *agreement* of the persons having the above qualifications is the most important matter. If all the able and honest men who have diligently studied the subject, or most of them, concur, and if this consent extends over several successive

generations, at an enlightened period, and in all or most civilised countries,[1] then the authority is at its greatest height.

The agreement of competent judges upon a speculative opinion is analogous to the agreement of credible witnesses in their testimony to a fact. If ten credible witnesses agree in their testimony to a fact, the value of their concurrent testimony is more than ten times the value of the testimony of each.[2] So the joint probability of the agreement of ten competent judges in a right opinion is far greater than the sum of the probabilities of the rectitude of the opinion of each taken separately. On the other hand, the joint probability of their agreement in error is far less than the sum of the probabilities of the erroneousness of the opinion of each taken separately. Supposing that each person carefully checks and verifies the process of investigation, it is highly improbable that every one, of a considerable number, should overlook an ungrounded assumption, or a flaw in the reasoning, which may have escaped the attention of the original investigator; it is also very improbable that a tendency to error, which one person may have contracted, from peculiar habits of thought, or defective means of observation, should be shared by many others. Therefore, as the agreement in a scientific opinion among competent judges widens its area, the chances of rectitude increase, and the chances of error diminish, in a perpetually accelerated ratio.[3]

Astronomy furnishes an example of a science, as to which there has been a general agreement of its professors for more than a century. Additional discoveries have been made during that period, and subordinate differences have been removed; but, as to the foundations of the science, there has, during that time, been a general agreement, and now even in details. This agreement extends to all scientific astronomers in all civilised countries. The astronomers of Berlin, Vienna, Milan, Paris, London, and New York, are agreed as to the motions of the bodies composing the solar system, and their mutual relations in space. The astronomical almanacs, calculated in different places, proceed on the

[1] With respect to the influence of the political divisions of independent states in preventing the adoption of opinions without due examination, see Hume, Essay XIV.; *Works*, vol. iii. p. 134.

[2] See Whately's *Rhetoric*, Part I. c. ii. § 4.

[3] 'In the unanimous or general consent of numerous and impartial inquirers,' Mr. Austin finds 'that mark of trustworthiness which justifies reliance on authority, wherever we are debarred from the opportunity of examining the evidence for ourselves.'—*Prov. of Jurisprudence Determined*, p. 84.

same principles, and coincide in their predictions. These predictions, moreover, are always confirmed by the events.[1]

On the other hand, the dissensions of scientific writers,—of acute and disinterested men who have applied their minds with earnestness and patience to the cultivation of any science—show that this science is still in an imperfect and unsettled state, and diminish the value of the authority of all parties.

Such was the case with a large part both of the ethical and physical sciences among the ancients. The divisions of the philosophical sects into Academic, Stoic, Epicurean, &c., the peculiar tenets which each sect adopted, upon the fundamental principles of moral and natural science, the pertinacity with which these peculiarities were maintained, and the length of time during which they were transmitted in schools by a succession of teachers and disciples, weakened the authority of each, and rendered it difficult for an inquirer to give a preference to any, without learning and comparing the opinions of all.[2]

At present, there is a prevailing approach to agreement in the sciences founded on an observation of outward nature. When controversies arise in these sciences, they are generally confined to limited questions, and to points upon which attention has been recently turned; and after a time they are settled by investigation and reasoning. In the moral and political sciences, there is a less general consensus than in the physical.[3] Thus the science of political economy—a science which for nearly a century has been cultivated by various writers of great ability—is still (particularly with reference to certain branches of it) in a controverted and unsettled state; and, hence, the writers on political economy who have arrived at true conclusions do not carry the authority which is due to them, because those conclusions are still disputed by other scientific writers.

For this difference between the moral and political sciences on the one hand, and the physical sciences on the other,[4] there

[1] Upon the present agreement of astronomical predictions with observation, see Whewell, *Hist. of the Ind. Sciences*, B. VII. c. vi. § 6.

[2] See Lucian's dialogue of *Hermotimus*, a summary of which is appended as a note to Chapter IV. Compare what Cicero says of the sceptical method of the New Academy.—*Acad. Prior.* II. 3.

[3] The reasons why authority in the moral and political sciences is less trustworthy than authority in the physical sciences, are ably set forth by Mr. Austin, *Province of Jurisprudence Determined*, pp. 63–67. Compare Mill, *System of Logic*, B. VI. c. i.

[4] The ancients differed and doubted more as to physics than ethics. 'Ut enim

are many reasons, which do not belong to this inquiry; but there is one, which, as it concerns the formation of a body of authority on the subject, may be here noticed. The physical sciences (with the partial exception of medicine) are cultivated exclusively by scientific persons, who pursue the subject merely in the interests of truth and for purposes of discovery, or expound it systematically for purposes of education. They either seek to enlarge science by new observations and inferences, or they digest existing knowledge into text-books for learners. Such, for example, is the case with mechanics, optics, geology, mineralogy, chemistry, anatomy, natural history. The treatment of these subjects is therefore always scientific. Even when the exposition is rendered popular, in order to extend the circle of learners, yet it is always based on scientific principles.

Now the moral and political sciences are, it is true, treated in a scientific manner by speculative writers. The principles of these sciences, however, are involved in the practical questions, to which the daily business of life gives birth, and which are discussed in newspapers and pamphlets, at public meetings and in large legislative assemblies. The best-ascertained principles are therefore constantly liable to be disputed, misinterpreted, or misapplied, by persons imperfectly acquainted with the subject, who take it up hastily and with a special object, and who are acted on by gusts of popular passion, or by the interests of particular individuals or classes. In this manner, opinions on moral or political subjects are multiplied, the authority of sound and scientific principles is weakened, the judgment of the public is distracted and perplexed, the difficulty of a selection of safe guides is increased, and an anarchical state of public opinion is created. On the other hand, it ought not to be overlooked that municipal or positive law, among the political sciences, receives an exclusively scientific and professional treatment; and hence the utility of institutions which promote an enlightened spirit among the leaders of the legal profession, and the importance of improvements in jurisprudence, as directing the moral sentiments of a nation.

The inconvenience of a popular treatment of the moral sciences, proceeding concurrently and in a parallel line with their scientific treatment, is illustrated by Dr. Whewell's remarks upon those

modo dixi, (says the academic interlocutor in Cicero's dialogue *De Naturâ Deorum*,) omnibus fere in rebus, *et maxime in physicis*, quid non sit citius, quam quid sit, dixerim.' I. 21. Compare Grote, *Hist. of Gr.*, vol. i. pp. 498, 499.

technical terms, which have a popular acceptation in common discourse as well as a precise scientific import. 'Since (he says) they have a meaning in common language, a careless reader is prone to disregard the technical limitation of this meaning, and to attempt to collect their import in scientific books, in the same vague and conjectural manner in which he collects the purpose of words in common cases. Hence the language of science, when thus resembling common language, is liable to be employed with an absence of that scientific precision which alone gives it value. Popular writers and talkers, when they speak of *force*, *momentum*, *action*, and *reaction*, and the like, often afford examples of the inaccuracy thus arising from the scientific appropriation of common terms.'[1] In like manner, the scientific discussions of questions in the political and ethical sciences often lose their precision and value, when all the principal terms come to be expounded according to their loose and fluctuating applications in popular language. The practical result is, that the writer on the moral sciences is nearly debarred from the use of technical terms, or that his use of them is unaccompanied with the advantage which results from them in the physical sciences. When he has affixed a precise and restricted meaning upon a term, and has framed a definition, not taken from his own arbitrary notions of clearness, but founded on an investigation of the properties of the class which it represents, his labour is vain as soon as the term comes to be employed in popular language; its precision and restriction are lost as soon as it slips from his hand, and passes into the mouths of the multitude; and the propositions into which he has introduced it, with a technical sense, become, as they are now interpreted, either pointless and unmeaning, or paradoxical and false.

The diversities of opinion generated by popular discussion are further aggravated by the rival pretensions of theorists and practicians to be considered as guides and authorities in practical affairs. Theorists, by an observation of particulars, and by generalising upon them, attempt to construct a system of scientific propositions with respect to a certain subject; upon which system a set of rules intended for the guidance of practice may be founded. These rules form an *art*. Many scientific investigations have been conducted, and scientific treatises composed, by persons unpractised in the corresponding art; thus, Aristotle composed a

[1] *Philos. of Ind. Sciences*, vol. i. p. 52.

treatise on rhetoric, though not himself an orator and practical rhetorician. Clerk's work on naval tactics is another instance of a scientific treatise by an unprofessional writer. In other cases, scientific inquiries and treatises are due to practicians, as on medical and physiological subjects.[1]

When a science has been fully developed, and the principles of the corresponding art fixed, its rules are recognised or adopted with little dispute, and the practice is in as good a state as the bounds of our knowledge permit. The arts of navigation and of geodesy may be cited as examples in point. When an art is in this matured state, there is an agreement between theorists and practicians, and the rules of the latter conform with the principles laid down by the former. But when a science is still in an immature state, or when its conclusions are still unrecognised, the practical men continue to follow certain traditional maxims which have become current among the people, and have obtained authority. A conflict then takes place between these two classes as to the standard by which practice is to be tried. The theorists urge the application of their doctrines to practice; the practicians deny their competency as judges, and contest their capacity of applying their principles to actual life. Sometimes this conflict arises from the real difficulty which exists in applying all abstract principles and rules to concrete cases; inasmuch as they are necessarily founded on hypotheses, which do not exhaust all the circumstances of the actual case. But while a theory is still in an imperfect state, practical men, attempting to apply it in reality, discover its defects, and often condemn it overhastily *in toto*, because they have satisfied themselves that a part is erroneous. Now, a precipitate and indiscriminating rejection of a theory, which contains the seeds of truth, though mixed with error, is always to be regretted, for it is by the successive experiments of practical men, verifying what is sound in a theory, rejecting what is unsound, and suggesting the requisite corrections, that sciences are established and enlarged. Art, indeed, in an empirical form, or a technical practice of some sort, is necessarily, in almost every case, anterior to the corresponding science; the principles and maxims of which are suggested by the facts with which the art has to deal.[2]

[1] On the relations of science and art, or of theory and practice, see Comte, *Cours de Philos. Positive*, Tom. iii. p. 280; Tom. vi. pp. 751, 870. Mill, *System of Logic*, B. VI. c. xi.

[2] See Whewell, *Hist. of Ind. Sciences*, vol. i., p. 333.

When any science is in an imperfect but constantly advancing state, the weight of authority increases as the tendency to agreement begins to exhibit itself; as the lines of independent thought converge; as rival opinions coalesce under a common banner; as sects expire; as national schools and modes of thought and expression disappear; as the transmission of erroneous and unverified opinions from one generation to another is interrupted by the recognition of newly-ascertained truths. It is by the gradual diminution of points of difference, and by the gradual increase of points of agreement, among men of science, that they acquire the authority which accredits their opinions, and propagates scientific truths. In general, it may be said that the authority of the professors of any science is trustworthy, in proportion as the points of agreement among them are numerous and important, and the points of difference few and unimportant.

The doctrine of Agreement applies to scientific or speculative opinions; it does not apply to advice given on a single question of practice. In the latter case, the professional person consulted advises about the facts of a given case, and as his opinion is founded on a knowledge of those facts, no general agreement can exist. It is only *indirectly* that the doctrine of agreement applies to opinions on practical questions. When a person has mastered the system which is sanctioned by the general consent of competent judges, and has combined experience with this knowledge, he is likely to advise well in any question belonging to his subject.

§ 12. A further assistance in the selection of guides to opinion may be derived from a consideration of the marks of Imposture or Charlatanism, in respect both to science and practice. If such marks can be found, they will afford an additional means of distinguishing mock sciences from true ones,—the charlatan from the true philosopher or sound practitioner.

In the first place, we may observe that mock sciences are rejected, after a patient examination and study of facts, and not upon a hasty first impression, by the general agreement of competent judges. Such was the case with astrology, magic, and divination of all sorts, at the beginning of the last century; which, having been reduced to a systematic form, and received by the general credulity, have since yielded to the light of reason.[1] The

[1] Upon the prevalence of the belief in astrology among educated and enlightened persons at the end of the 17th century, see some remarks by Dr. Johnson, in his *Life of Butler*.

errors of the ancients in natural history, which were repeated by subsequent writers after the revival of letters, have been exploded by a similar process. The same may be said of the influence of the heavenly bodies upon diseases, believed at no distant date by scientific writers.[1] Mesmerism, homœopathy, and phrenology, have now been before the world a sufficient time to be fairly and fully examined by competent judges; and as they have not stood the test of impartial scientific investigation, and therefore have not established themselves in professional opinion, they may be safely, on this ground alone, set down under the head of mock sciences; though, as in the case of alchemy, the researches to which they give rise, and the new hypotheses which they promulgate, may assist in promoting genuine science.[2]

True sciences establish themselves after a time, and acquire a recognised position in all civilised countries. Moreover, they connect themselves with other true sciences; analogies and points of contact between the new truth and truths formerly known are perceived. Such has been the case with Geology, which has only taken its place as a science founded on accurate and extensive observation during the present century. But while it has assumed an independent position, it has received great assistance from comparative anatomy and other apparently unconnected sciences, and has thrown light upon them in return. Discoveries in medicine, too, which rest on a firm basis, as vaccination and the operation for aneurism, are after a few years brought to a certain test, and make their way in all countries. Pseudo-sciences, on the other hand, are not accredited by the consentient reception of professional judges, but remain in an equivocal and unaccepted state. No analogies or affiliations with genuine sciences are discovered; the new comer continues an alien, unincorporated with the established scientific system; if any connection is attempted to be proved, it is with another spurious science, as in the case of *phreno-mesmerism*, where one delusion is supported by another. Mock sciences, again, not making their way universally, are sometimes confined to a particular nation; or, at all events, to a limited body

[1] See Dr. Mead's treatise concerning the influence of the sun and moon upon human bodies, and the diseases thereby produced.—*Medical Works*, p. 151.

[2] See *Nov. Org.* I. aph. 85, where Bacon applies to the alchemists the fable of the old man, who told his sons, on dying, that a treasure was concealed in his vineyard, but he had forgotten the place; whereupon they fell to digging the ground in all directions, and found no gold, but improved the cultivation of the vines.

of sectarians, who stand aloof from the professors of the established science.

Another means of distinguishing real from unreal sciences, may be found in the character and objects of the persons by whom they are respectively cultivated. The professors of genuine sciences, for the most part, make the investigation or the communication of *truth* their primary object. Even teachers, who are remunerated for their services, are in general careful to communicate only true and sound opinions to their disciples, and would consider the inculcation of error as a breach of their duty. The desire of knowing the truth is, indeed, no preservative against error. No such preservative exists. But the desire of ascertaining the truth is a necessary condition for ascertaining it. He who does not seek will not find. The charlatan, on the other hand, is almost invariably actuated by the *love of gain*. His purpose is to dupe the world, and to extract money from the pockets of his dupes. Paracelsus and Mesmer afford an example on a large scale; a village mountebank on a small one. Occasionally, there may be the love of attracting attention, for its own sake, and a disinterested pleasure in cheating the world; but gain is the leading motive.

Some indications may likewise be derived from the form and method in which a new science is propounded. Genuine science is in general simple, precise, perspicuous, devoid of ornament, dry and unattractive, modest in its pretensions, free from all undue contrivances for exciting applause or obtaining attention. Charlatanism, on the other hand, is tricky, obtrusive, full of display—now wearing the mask of impassioned enthusiasm—now assuming an aspect of solemn gravity, vague and mystical in its language, sometimes propounding elaborate schemes of new classification and nomenclature, dealing in vast promises and undertakings.[1]

[1] 'There are three forms of speaking, which are, as it were, the style and phrase of imposture. The first kind is of them who, as soon as they have gotten any subject or matter, do straight cast it into an art, inventing new terms of art, reducing all into divisions and distinctions; thence drawing assertions or positions, and so framing oppositions by questions and answers. Hence issueth the cobwebs and clatterings of the schoolmen.

'The second kind is of them who, out of the vanity of their wit, (as church poets.) do make and devise all variety of tales, stories, and examples, whereby they may lead men's minds to a belief, from whence did grow the legends and infinite fabulous inventions and dreams of the ancient heretics.

'The third kind is of them who fill men's cares [qu. *ears*] with mysteries, high parables, allegories, and illusions, which mystical and profound form many of the heretics also made choice of. By the first kind of these the capacity and wit of man

Imposture, however, particularly in the cases where it is combined with mysticism, is rarely altogether intentional, and the result of mere knavery. There is a close affinity between imposture and credulity: a credulous man is generally a deceiver, and believes the delusions with which he ensnares the faith of others.[1] This is often the case with philosophical as well as religious enthusiasts. Pythagoras, for example, so far as we can discern him in the dim distance, may apparently be taken as a type of the union between the man of science and the impostor: and the same may doubtless be said of Van Helmont, and many of the other professors of mystical medicine, alchemists, astrologers, diviners, theosophs, and masters of occult sciences, whose lives are collected in the seven volumes of ADELUNG'S curious *History of Human Folly*.[2] Nothing is more striking, in this repertory of self-deceit and imposture, than the gigantic dimensions of the supposed discoveries of these pseudo-philosophers, compared with their actual performances, and with the powers which man really possesses over outward nature. At every turn we meet with infallible remedies, with universal medicines—with receipts for changing one substance into another—with new methods of a universal philosophy. The performances of these 'homines vaniloqui et phantastici,' who, partly from credulity, and partly from imposture, 'genus humanum promissis onerarunt,' stand (according to Bacon's comparison) in the same relation to the works of genuine philosophers, as the exploits of Amadis de Gaul or King Arthur, to those of Julius Cæsar or Alexander the Great.[3]

No species of imposture is so captivating, so well-suited to the present time, and consequently so likely to meet with temporary success, as that which assumes the garb, and mimics the phraseology, of science. As hypocrisy has been said to be the homage which vice renders to virtue, so is the imitation of scientific forms the homage which imposture renders to science; it is, however, a species of homage by which the vassal often obtains, for a time, a superiority over the lord. Still, the existence of a scientific spirit,

is fettered and entangled; by the second, it is trained on and inveigled; by the third, it is astonished and enchanted; but by every of them the while it is seduced and abused.' —Lord BACON, *Of the several Kinds of Imposture*. *Works*, vol. i. p. 214; ed. Montagu.

[1] See *Adv. of Learning*, vol. ii. p. 42.

[2] Geschichte der menschlichen narrheit, oder, lebensbeschreibungen berühmter schwarzkünstler, goldmacher, teufelsbanner, zeichen-und liniendeuter, schwärmer, wahrsager, und anderer philosophischer unholden. Leipzig, 1785-9. 7 vols.

[3] *Nov. Org.* I. *aph.* 87.

on which the delusion rests, proves, in the end, too strong for the delusion itself. Those who, with a mere smattering of scientific knowledge, seek to impose on the multitude by a parade of mystical jargon, and a whole apparatus of learned phraseology, are quickly detected by competent and instructed judges. Their mode of proceeding is, in fact, only one degree removed above that of the well-known impostor in the novel, with his quotations of Greek and his appeals to Sanchoniathon and Berosus. 'Qui stultis videri eruditi volunt, stulti eruditis videntur.'[1]

Even, therefore, if we are unable, from want of time or opportunity, or the requisite knowledge, to form an independent judgment upon a new scientific system, we may nevertheless be able to judge if the writer has pursued a sound and correct method of investigation, and if he has conformed to the rules by which the most eminent discoverers in that branch of science have been guided. If we find that a vicious method has been pursued, and that the requisite securities and precautions against error have not been adopted, we may reasonably distrust his fitness to guide our judgment.

Nothing is more characteristic of the pretender to philosophy than his readiness to explain, without examination or reflection, all phenomena which may be presented to him. Doubt, hesitation, suspense of the judgment, inquiry before decision, balancing of apparently opposite facts, followed, perhaps, by a qualified and provisional opinion,—all these are processes utterly foreign to his mind, and indicative, in his view, of nothing but weakness and ignorance. Inasmuch as his real knowledge is shallow, limited, and unprecise, it is nearly as easy for him to explain one thing as another; and his universal systems of philosophy are doubtless equally true for all subjects.[2]

It has been already remarked that, in the present state of our knowledge, the physical are better ascertained than the moral sciences. There is, however, one important exception to the

[1] Quintil. *Hist. Orat.* X. 7, § 21.

[2] Fontenelle, *Hist. des Oracles*, Diss. I. ch. iv., after narrating the story of the boy with the supposed golden tooth, as an example of the ingenuity of philosophers in explaining false facts, proceeds thus: 'Rien n'est plus naturel que d'en faire autant sur toutes sortes de matières. Je ne suis pas si convaincu de notre ignorance par les choses qui sont, et dont la raison nous est inconnue, que par celles qui ne sont point, et dont nous trouvons la raison. Cela veut dire que, non seulement nous n'avons pas les principes qui mênent au vrai, mais nous en avons d'autres qui s'accommodent très bien avec le faux.'

comparative certainty of the physical sciences—viz., the science and art of medicine. The anatomy of the human body has been carefully studied, and is well understood. Pathology and the nature of diseases have likewise been carefully explored, and reduced to system; but they are still enveloped in much obscurity. Still more are the diagnosis of diseases in the living subject, and the treatment of them, (or therapeutics,) subject to great uncertainty. Different opinions as to the nature of the malady with which any living person is afflicted, and as to the mode of treating it if ascertained, may be held by eminent professors of medicine, recognised by their profession as competent judges. Moreover, even in a case where there is a generally received mode of treatment, and where the diagnosis is certain, the patient, from ignorance of the limited powers of the medical art, is often unreasonable in his expectations, and dissatisfied with the proceedings of the regular practitioner. Being unable, from defect of knowledge, to judge of the mode of treatment, he judges merely by the event, and if this does not correspond with his anticipations, he condemns the physician. Owing to these causes, medical practice always has been the favourite field of charlatans,[1] and their success is proportionate to the credulity and ignorance of the public. Medical impostors generally deal largely in panaceas and specifics—in infallible and universal remedies. Their success—so far as they are able to impose upon the public—is owing partly to the difficulty of ascertaining the true origin and nature of disease during life, and to the still greater difficulty of finding any means of removing or mitigat-

[1] According to the fable of Phædrus, a bad cobbler, unable to gain a livelihood, took to practising medicine. The king sent for him, and proposed to him to find an antidote for a cup of poison:

> Timore mortis ille tunc professus est,
> Non artis ullâ medicæ se prudentiâ,
> *Verum stupore vulgi*, factum nobilem.
> (I. 14.)

Lord Bacon remarks of medicine, that 'its subject (the human body) being so variable, hath made the art by consequence more conjectural; an art being conjectural hath made so much the more place to be left for imposture.' Other arts are judged by their acts or masterpieces, but physicians, and perhaps politicians, are judged only by the event. 'We see the weakness and credulity of men is such, as they will often prefer a mountebank or witch before a learned physician. . . . In all times, in the opinion of the multitude, witches and old women and impostors have had a competition with physicians.'—*Adv. of Learn.* vol. ii. p. 159. M. Comte, (*Cours de Phil. Positive*, tom. iii. p. 612–14,) remarks upon the prevalence of charlatanism in medicine, which he attributes to the unsettled and unsatisfactory state of physiological science.

ing the disease when ascertained. The success of the charlatan is generally proportioned to the obscurity of the malady, and the uncertainty of the treatment. Hence, he selects medical rather than surgical cases; and among medical cases, those which are chronic and constitutional, rather than those which are acute, and have a clearly defined seat.[1]

§ 13. Lastly, it is worthy of consideration, what *countries* are important with reference to the general agreement of opinion.

In determining the question as to the existence of a *consensus* of opinions on any speculative subject, it would be absurd to take barbarous or half-civilised communities into the account. Whether the question concerned the physical or the moral sciences, it would be needless to inquire what are the opinions of Australian savages, or of the native African or American tribes, or even of the Chinese, the Hindus, the Persians, or the Turks, on the subject. For, although these Oriental nations are not to be confounded with uncivilised societies, and although they have, at different periods, made considerable progress in literature and the useful arts, yet their progress, both in political institutions and scientific knowledge, has been so limited, as to place them on a low intellectual level. 'The prevalence of vague, visionary, and barren notions among these nations,' (says Dr. Whewell,) 'cannot surprise us; for we have no evidence from them, as from Europeans we have, that they are capable, on subjects of physical speculation, of originating sound and rational general principles. The arts may have had their birth in all parts of the globe; but it is only Europe, at particular favoured periods of its history, which has ever produced sciences.'[2]

Our field of vision may therefore be narrowed to the civilised nations of Europe, at the head of which we may place the Greeks, together with the Romans, whose scientific and literary cultivation

[1] The words which express the idea of charlatan generally agree in the common idea of *loquacity* and *noise*; a clamorous attempt to attract the attention of a crowd is a leading characteristic of the charlatan.

The Greek γόης was originally a sorcerer, who *howled* over his magic rites. In Italian, ciarlatano is from ciarlare, to chatter (hence the French charlatan): cantambanco and saltimbanco derive their names from the habit of standing on a bench to address the people and exhibit their drugs, &c., like the English mountebank. Quacksalber, German, and quacksalver, English, (whence quack, by abbreviation,) are derived from the garrulity of the itinerant vender of drugs and nostrums. The German quackeln corresponds to our cackle. Ἀγύρτης, a collector of alms or money, resembles the Latin circulator, a vagrant mountebank.

[2] *Hist. of Ind. Sciences*, vol. i. p. 302.

was of Hellenic origin. All the branches of knowledge, not even excepting the moral sciences, have made an immense, though an unequal, progress since the close of ancient history: the world has likewise, since that era, obtained the experience of many centuries, in which contemporary facts have been recorded with more or less diligence and accuracy. Nevertheless, the origin of all positive science and philosophy, as well as of all literature and art, in the forms in which they exist in civilised Europe, must be traced to the Greeks, and therefore the opinions of that extraordinary people can never be indifferent to us, even on subjects in which they have been far outstripped by modern dicovery. They made the first great step from barbarism to scientific knowledge, which, perhaps, is more difficult and more important than any further advance which they left to be made by their successors.

On turning our eyes to modern nations, it can scarcely be disputed that France and Germany, on the continent of Europe, together with England, stand at the head of contemporary science and literature. Whatever peculiarities and excellences may belong to the national character of each, the decision of competent judges in these three countries must be admitted to be of paramount importance. With these may be ranked, as partaking of the same degree of civilisation, and enjoying free institutions in education and religion, Holland, Belgium, and Switzerland, together with the three Scandinavian nations of Denmark, Sweden, and Norway. Italy, to whom Europe owes so large a debt of gratitude for the revival of literature, of the arts, and of philosophy, after the stagnation of the mediæval period, has, on account of the long-continued suppression of free discussion and education by its various governments, lay and ecclesiastical, lost its former and well-merited pre-eminence. The benumbing influence of the Inquisition, of a severe censorship of the press, reaching uninterruptedly from the sixteenth to the nineteenth century, and of despotic governments administered (with some remarkable exceptions) in a jealous and coercive spirit, has reduced Italy to a secondary intellectual position; though it has never been able to extinguish all sparks of the fire which she had derived from her early cultivation. Let us hope, however, that the recent political changes may lead to her intellectual emancipation and improvement, without exposing her to the evils of civil war, revolution, and social anarchy. The Spanish Peninsula has been reduced to intellectual decrepitude by the same causes which operated in Italy, but more intense in their force, and there-

fore acting with more decisive effect. Besides, after the revival of letters, Spain had, in every department of science and art, shown less mental vigour and activity than the kindred peninsula to the East. It had, therefore, less elasticity of force opposed to a more powerful compression, and hence, independence of thought, which had only been crippled in Italy, was fairly annihilated in Spain.[1]

The kingdom of Greece has been too recently released from its Turkish yoke, and made a member of the European family of nations, to hold, as yet, any place in the intellectual scale. In Russia, civilisation is still an exotic, and it has never fairly taken an independent root among this semi-oriental people.

In the United States of America, the places of education are gradually forming a body of scientific professors; the study of jurisprudence and of some branches of politics has made great progress; the physical sciences are not neglected, and an active taste for literature pervades the whole country. The other American States appear to have no mental cultivation, and are even below their parent States, Spain and Portugal. As to the colonies and settlements of the European nations, so far as they are young communities, occupied with taming the wild earth, and performing the functions of pioneers of civilisation, they cannot enjoy much leisure or opportunity for mental cultivation. But they are insensibly imbued with the opinions and culture of the mother country, and, by degrees, take their place in the great civilised community.

§ 14. We have now endeavoured to show what are the indications by which trustworthy authority, in matters of opinion, may be best recognised. As has been already remarked, there is a necessity for inquiry, and room for judgment and discretion, in the application of these tests, and thus we may observe that judicious and discreet persons generally choose safe and able guides, in matters where they cannot, or ought not, to judge for themselves; whereas unwise persons select unsound guides, who, from ignorance, inexperience, or weakness of judgment, are incapable of giving them good advice. Sometimes, indeed, the latter class of persons are so credulous that they fall into the hands of impostors, who intentionally mislead them for interested purposes.

In the choice of guides of opinion, a double option is exercised. First, a person decides whether he will judge for himself, or rely on the opinion of others; and secondly, having decided in favour

[1] Compare Comte, *Cours de Philosophie Positive*, tom. vi. pp. 32, 631-642.

of the latter alternative, he has an option as to the guide whom he will select. Even when he has made this selection, he may, if he think fit, reject the opinion of the person whom he has selected. Nothing, therefore, can be more exclusively a man's own act than the choice of his guides and the adoption of their opinion. But, partly because the mind, when the choice has once been made, is passive in following an opinion, and partly because the word *authority* sometimes signifies compulsory power, it seems to be believed that a deference to authority, in matters of opinion, implies some coercive influence on the understanding. If, however, such a belief is ever entertained, it is erroneous. The submission of the understanding to the opinion of another is purely voluntary, at more than one stage. The choice of a guide is as much a matter of free determination, as the adoption of an opinion on argumentative grounds. If I believe a truth in astronomy or optics because men of science believe it—if I adopt the advice of a physician or lawyer in a question of practice, my decision is as free and unconstrained as if I judged for myself without assistance, although I arrive at the conclusion by a different road.

§ 15. Hence, too, we may see that the opposition which is sometimes made between Authority and Reason [1] rests on a confusion of thought. Authority is undoubtedly opposed to *reasoning*, if, by reasoning, we understand a process of appropriate inquiry conducted by the person himself. But between Authority and Reason there is no opposition, nor does the one exclude the other.

In the first place, as has been just remarked, a person who chooses his own guides, chooses them by the light of his own reason; he exercises a free and unconstrained choice; and although the process of reasoning through which he travels does not bear directly upon his conclusion, it bears directly upon the means of leading him safely to that conclusion. From the ultimate responsibility of this determination nothing can relieve him. A Roman Catholic, who relies implicitly upon the authority of his own church, must decide for himself to prefer that authority to the authority of other churches; or (what comes to the same,) to deny to other religious communions the appellation of churches. In the last result, he is driven of necessity to the exercise of private

[1] See, for example, Hume's *Essay* XVI., near the beginning—*Works*, vol. iii. p. 561; Whewell's *Hist. of the Ind. Sciences*, vol. i. p. 312; and the *Pasquinade* of Boileau, cited by him, vol. ii. p. 138.

individual judgment. The appropriate grounds of decision may be removed from us a few steps by an intermediate process; but the selection of our authority, and our reliance upon it, must be the work of our own reason.

In the second place, it cannot be presumed, generally, that an appropriate process of reasoning upon any subject is a better or wiser principle of judgment than a recourse to the authority of others. Even in speculative subjects, a person whose time, or habits of thought and study, do not incline him to a particular department of knowledge, may reasonably adopt the views of persons who are conversant with it. In practice, however, where special attainments and experience are necessary for a safe decision, a man who prefers his own judgment to that of competent advisers certainly does not follow either a wise or a usual course. It surely cannot be laid down as a general thesis, that a private individual is likely, in professional matters, to judge better than professional men. A person who thinks that in legal matters his own judgment is better than that of a lawyer, in medical matters better than that of a physician, in questions of building better than that of an architect, &c., is not likely to find that the rectitude of his practical decisions corresponds with the independence of his judgment. In such cases, (as we shall show more fully in a subsequent chapter,) reason does not forbid, but prescribes a reliance upon authority. Where a person is necessarily ignorant of the grounds of decision, to decide for himself is an act of suicidal folly. He ought to recur to a competent adviser, as a blind man relies upon a guide.

CHAPTER IV.

ON THE APPLICABILITY OF THE PRINCIPLE OF AUTHORITY TO QUESTIONS OF RELIGION.

§ 1. In the preceding chapter a description has been given of the process by which, in scientific matters, an agreement of the competent judges, and consequently a body of trustworthy authority, is gradually formed.[1]

In each subject, the first attempts at a scientific treatment are crude, imperfect, and alloyed with rash hypotheses; and there is much hasty induction from single facts or partial phenomena. Numerous discordant opinions thus arise, and there are rival schools and sects, each with its own set of distinctive tenets. But, by degrees, some system or body of doctrine acquires the ascendancy; there is an approach to agreement in important matters; a progressive improvement, a gradual advance, are visible; the controversies begin to turn chiefly on subordinate points, and peculiar opinions are no longer handed down in schools by a succession of masters and disciples. Certain doctrines cease to predominate in certain countries; they are no longer hereditary or local, but are common to the whole scientific world. They are diffused by the force of mere evidence and demonstration acting upon the reason of competent judges—not by persecution, or reward, or the influence of the civil government. A trustworthy authority is thus at length formed, to which a person, uninformed on the subject, may reasonably defer, satisfied that he adopts those opinions which, so far as existing researches and reflection have gone, are the most deserving of credit.

§ 2. This description, however, is not applicable to religion, or at least is only applicable to it within certain limits.

All mankind, at all times, and in all countries, (with the ex-

[1] There is an Essay by Lord Bolingbroke *concerning Authority in matters of Religion*, vols. vi. and vii. of his *Works*; but its contents do not correspond with its title.

ception, perhaps, of some of the lowest tribes of savages,) have agreed in recognising some form of religious belief. All nations have believed in the existence of some supernatural and supersensual beings, whose favour they have sought to obtain, and whose displeasure they have sought to avert, by sacrifices, prayers, and other ceremonies of worship. The argument of *consensus gentium* applies with peculiar force to the belief in a divine power, and accordingly it has always been placed in the front rank by writers on Natural Religion. Thus Cicero, speaking of the existence of a supreme God, says, 'Quod nisi cognitum comprehensumque animis haberemus, non tam stabilis opinio permaneret, nec confirmaretur diuturnitate temporis, nec una cum sæculis ætatibusque hominum inveterare potuisset. Etenim videmus cæteras opiniones fictas atque vanas diuturnitate extabuisse. . . . . Opinionum enim commenta delet dies, naturæ judicia confirmat.'[1] A passage from the Dissertations of Maximus Tyrius, a Greek philosopher who lived in the age of the Antonines, has often been quoted by modern writers as a proof of the general diffusion of a religious belief among the ancient nations:—'In the midst of universal disagreement and discord as to the divine attributes, and as to laws and customs, (he says,) one uniform maxim and doctrine may be seen in every land—that there is one God, the supreme governor and father of all, and many Gods, his sons and joint rulers. This the Greek says—this the barbarian—this the dweller on the mainland and the dweller on the sea-coast—the wise and foolish.'[2]

Among modern writers it is sufficient to cite the words of Bishop Burnet:—'*That there is a God*, is a proposition which, in all ages, has been so universally received and believed, some very few instances being only assigned of such as either have denied or doubted of it, that the very consent of so many ages and nations, of such different tempers and languages, so vastly remote from one another, has been long esteemed a good argument to prove that either there is somewhat in the nature of man, that by a secret sort of instinct does dictate this to him: or that all mankind has descended from one common stock, and that this belief has passed down from the first man to all his posterity. If the more polite nations had only received this, some might suggest that wise men

[1] *De Nat. Deor.* II. 2.

[2] Diss. XVII. 5, vol. i. p. 316; Reiske. Compare Cudworth, *Syst. Intellect.* vol. i. p. 685; ed. Mosheim, 1773; and Leland, *Advantage and Necessity of the Christian Revelation shown from the State of Religion in the Ancient World*, vol. i. p. 422.

had introduced it as a mean to govern human society, and to keep it in order: or if only the more barbarous had received this, it might be thought to be the effect of their fear and their ignorance; but since all sorts, as well as all ages, of men have received it, this alone goes a great way to assure us of the being of a God.'[1]

It is, undoubtedly, true that, in the positive religions, and in the sacred rites, practices, and doctrines of the pagan world, the greatest diversity has existed; and not only between barbarous or half-civilised tribes, but among the Greek and Roman philosophers, whose controversies on the nature of the gods were interminable.[2] But in the substantial recognition of a Divine power, super-human and imperceptible by our senses, all nations have agreed.

§ 3. The agreement, moreover, does not stop here. All the civilised nations of the modern world, together with their colonies and settlements, in all parts of the earth, agree, not merely in believing in the existence of a God—a belief which they have in common with Mahometans, Hindus, and heathens generally—but in recognising some form of the Christian religion. Christendom includes the entire civilised world—that is to say, all nations whose agreement on a matter of opinion has any real weight or authority.

§ 4. When, however, we advance a step beyond this point, and inquire how far there is a general agreement throughout Christendom with respect to any particular form of Christianity, and whether all Christians are members of one church, recognising the same set of doctrines, we find a state of things wholly different. We perceive a variety of churches, some confined to a single country, some common to several countries, but each with its own ecclesiastical superiors and peculiar creed, and each condemning the members of other churches as heretics, schismatics, separatists, and dissenters, or, at least, as infected with grave errors, and sometimes not even recognising them as Christians.[3]

[1] *Exposition of the Thirty-nine Articles. On Art.* I.

[2] Qui vero deos esse dixerunt, tanta sunt in varietate ac dissensione, ut eorum molestum sit dinumerare sententias. Nam et de figuris deorum, et de locis atque sedibus, et actione vitæ multa dicuntur: deque his summa philosophorum dissensione certatur.—CICERO *de Nat. Deor.* I. 1.

[3] For a complete account of the distribution of the several Christian communions over the world, the constitution and tenets of each church, their mutual relations, and other characteristics, see the *Kirchliche Statistik* of Dr. Wiggers, 2 vols. 8vo.; Hamburg, 1842 and 1843. According to a calculation cited by him in vol. i. p. 22, the chief divisions of Christendom consist of the following numbers:—

§ 5. Various causes have conspired to prevent a general agreement throughout the civilised world respecting the particular doctrines of Christianity. The Christian religion first assumed a dogmatic form in the hands of the later Greeks, who had received from their ancestors the inheritance of a subtle, refined, and abstruse metaphysical philosophy. This instrument of reasoning and exposition they applied to the Christian religion, and particularly to its more mysterious portions; such as the doctrine of the Trinity, the relations of the three Divine persons, and their common essence or substance; the union of the Divine and human natures in the Saviour; and the procession of the Holy Ghost. At a later time, the Christian theology, now reduced to a more systematic form, passed through the hands of the schoolmen, and was treated in the spirit of the scholastic philosophy.[1] Afterwards, the Reformation awakened new controversies, or gave increased importance to old ones, concerning the eucharistic sacrament, the communion of the laity in both kinds, and the alleged substantial change and real presence in the consecrated elements; also as to the nature and operation of grace and good works, and the theory of original sin, regeneration, justification, and predestination. These, combined with other questions as to church authority, tradition, general councils, the power of the pope and of national churches, episcopal government, ecclesiastical ceremonies and vestments, monastic vows, ordination, celibacy of the clergy, auricular confession, purgatory, baptism, individual inspiration, &c., have served to divide Christians into numerous churches and sects, and to keep up continual controversies between their

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Roman Catholics	142,145,000
Protestants	62,785,000
Greek Church	57,110,000
Armenians, Copts, &c.	5,850,000

[1] 'It was gravely said by some of the prelates in the Council of Trent, where the doctrine of the schoolmen bare great sway, that the schoolmen were like astronomers, which did feign eccentrics and epicycles, and such engines of orbs, to save the phenomena, though they knew there were no such things; and, in like manner, that the schoolmen had framed a number of subtle and intricate axioms and theorems to save the practice of the Church.'—Lord Bacon, *Essay* XVII.

In his *Novum Organon* he speaks of the Theologi Scholastici—'qui cum theologiam (satis pro potestate) in ordinem redegerint et in artis formam effinxerint, hoc insuper effecerunt, ut pugnax et spinosa Aristotelis philosophia corpori religionis plus quam par erat immisceretur.'—*Lib.* I. *Aph.* 89. Compare his *Apophthegms*, 274, 275, where a dictum of some Roman divines concerning the canons of the Council of Trent is reported; 'that they were beholden to Aristotle for many articles of their faith.'

respective advocates, which have never received any final settlement, and, when intermitted, are rather discontinued than decided.

The difficulty of determining the controversies respecting the different questions to which the interpretation of the Christian records has given rise is, in great measure, owing to the fact that religion, as such, is conversant with matters which are neither the subjects of consciousness or intuition, nor within the range of the senses. This is necessarily the case with all questions concerning the nature of the Deity and his attributes; his permanent relations with mankind; and the state of human existence after death. Upon these subjects, we have no experience, derived either from internal consciousness or external sensation, to guide us; and, accordingly, not only the abstract reasonings of natural religion, but the interpretation of the records of revealed religion, give rise to questions, for the settlement of which it is difficult to find any decisive rule of judgment.

§ 6. Owing to the operation of these causes, the various Christian churches and sects into which the civilised world is divided continue to co-exist side by side with one another, and show little or no tendency to coalesce into a common belief, or to recognise a common organ of religious truth. Religious opinions thus become hereditary, and national or local; they sometimes run on for centuries in parallel lines, without converging to a central focus of agreement.

Opinions on scientific matters, although they may spring from different sources, and follow for a time distinct courses, at last flow together into one main stream; whereas the distinctive tenets of the several Christian churches not only spring from different sources, but continue to run in different channels.

The religious state of Europe since the Reformation bears witness to the truth of this description. The boundaries of religion, which were fixed in the sixteenth and seventeenth centuries, remain more unchanged than those of states.[1] A peculiar form of Christianity is, in each district of Europe, handed down faithfully from one generation to another. National laws and constitutions, and forms of civil government, undergo fundamental changes. Even national manners and usages are modified by the reciprocal intercourse of persons and ideas which trade, literature, and newspapers promote, and by progressive inventions and improvements

[1] On this subject, see the remarks of Mr. Macaulay, *Essays*, vol. ii. p. 304. (*On Lord Bacon.*)

in the arts of civilised life. But national and local churches propagate their peculiar modes of faith and ecclesiastical discipline, without feeling the influence of the ideas which are moving in external spheres. Each continues to revolve in its own orbit, without altering its course, or approximating to other bodies.[1]

We may discern a certain analogy between the perpetuation of a particular form of Christianity, and the perpetuation of a particular language. Both belong to a class of which the forms are various; but each variety, having once arisen, is unchanging, and, when adopted by a nation, remains. Both prevail locally, and are transmitted, by a faithful tradition, from father to son. Moreover, it often happens that both are diffused by colonisation or conquest.

The diversity of Christian creeds is the more apparent, when it is contrasted with the general uniformity upon moral questions which prevails throughout the civilised world. Amongst all civilised nations, a nearly uniform standard of morality is recognised: the same books on ethical subjects are consulted for the guidance of life; and if the practice differs, the difference is not, in general, owing to a diversity of theoretical rules of conduct.[2] It will be observed, that the great controversies between the Christian sects either turn upon questions which have no direct bearing upon human conduct, (such as the doctrines of the Trinity and transubstantiation,) or upon forms of church government and discipline, which are matters of positive institution. They rarely turn upon the moral doctrines which are involved in Christianity. Upon these, there is a prevailing tendency and approximation to an agreement.[3]

Scientific opinions follow a certain law of progressive development. While error is gradually diminished, truth is established, by a continually enlarging consensus, like the successive circles made upon the surface of water. Opinion, however, in the several

[1] With respect to the fusion of the peculiar creed of each nation with its native institutions, and the present equilibrium of opposite forces in the Christian world, see the observations of Prof. Ranke, in Note A at the end of the chapter.

[2] Compare the celebrated passage of Cicero, on the universality of the moral law as to time and place.—*De Rep.* III. 22.

[3] Perhaps one of the most practical of the tenets controverted between the Roman and Protestant churches is that relating to marriage, with respect to its indissolubility and its contraction within certain degrees of affinity. The Predestinarian doctrines, as has been often remarked, exercise little influence upon conduct.

Christian churches, with respect to their distinctive tenets, is rather variable than progressive. It oscillates backwards and forwards, but does not tend by a joint action to a common centre.

This permanent diversity of religious opinions throughout Christendom, exists not only in spite of the attempts which have been made to produce uniformity of belief, but partly even in consequence of them. Governments have attempted to extirpate religious error by persecution, and to favour religious truth by endowment; but as the governments of different countries adopted different creeds, that which was considered religious error by one government was considered religious truth by another. Hence, although governments have succeeded to a certain extent in producing uniformity of faith in their own territory by persecution, (as in Italy and Spain,) yet they have not been able to prevent other governments from encouraging the opinions which they discouraged. This has been the case with communities immediately contiguous to each other, and included even within the same national federation. Thus, after the thirty years' war, some of the German States remained Protestant and others Catholic, and the mutual rights of the two confessions were guaranteed by solemn treaty. And the Catholic and Protestant Cantons of Switzerland remain as they were left by the great reformation. In other countries, as in Ireland, the faith of one sect has resisted all attempts of the government to produce uniformity, and the ancient landmarks of religion have been maintained in defiance of the endeavours of the civil power to obliterate them.

§ 7. Now, it must not be supposed that this diversity of religious opinions, and the existence of heterodox sects within the pale of Christianity, has escaped the notice of the heads of the church. On the contrary, it has attracted the incessant attention of theologians and theological politicians for ages, as indeed is sufficiently apparent from the ineffectual attempts of governments to produce uniformity of religious belief, already alluded to. It has always been perceived and admitted that diversity of opinion, in religious as well as in scientific matters, is necessarily a mark of error, and that, of several conflicting or discordant opinions, one only can be true.[1] It has, therefore, been the great aim of writers

[1] Cicero makes the following remarks upon the diversity of the religious opinions of his time: 'Res nulla est de qua tantopere non solum indocti, sed etiam docti dissentiant; quorum opiniones cum tam variæ sint, tamque inter se dissidentes, alterum fieri profecto potest, ut earum nulla, alterum certe non potest, ut plus una vera sit.'—

on theology, to whatever sect or denomination they might belong, to discover one standard or canon of religious truth, which should be universally applicable to the Christian world, should serve as a decisive authority in matters of faith, and thus give unity to the church.[1] All Christians, whatever might be their creed, would be glad to find any living person, or body of persons, whom they could conscientiously recognise as an infallible organ and exponent of religious truth. The general feeling on this subject is bluntly expressed by Dryden, in his *Religio Laici*,—

> Such an omniscient church we wish indeed;
> 'Twere worth both Testaments, cast in the Creed.

§ 8. A large portion of the Christian world, viz., the Church of Rome and the Eastern Churches, together with that section of the Church of England which approximates to the Roman doctrine, make the standard of religious truth to consist in the *teaching of the church*. They profess to be able to lay down certain marks of the true church; and having determined the true church by means of these marks, they hold that whatever this church teaches is true, and is entitled to belief without examination, simply because the church so teaches.[2]

§ 9. But when these marks come to be examined, it will be found that they are so vague and obscure as merely to shift the ground of controversy, and that there is as much doubt and difference of opinion respecting the determination of the marks, or their application to a particular church, as concerning the doctrines which that church teaches.

De Nat. Deor. I. 2. Bossuet lays down the same maxim with respect to Christianity: 'Lorsque, parmi les Chrétiens, on a vu des variations dans l'exposition de la foi, on les a toujours regardées comme une marque de fausseté et d'inconséquence (qu'on me permette ce mot) dans la doctrine exposée.'—*Variations des Églises Protestantes*, Pref. § 2.

[1] Sir T. More told his son-in-law and biographer, Roper, that if three things were well established in Christendom, he wished he were put into a sack and thrown into the Thames. The second of these three wishes was, that 'whereas the church of Christ is at present sore afflicted with many errors and heresies, it were well settled in perfect uniformity of religion.'—Lord CAMPBELL'S *Lives of the Chancellors*, vol. i. ch. xxxii. See also Lord Bacon's *Essay on Unity in Religion*, and his *Tract on Church Controversies*, vol. ii. p. 28–60.

[2] See Möhler's *Symbolik*, § 37; Palmer's *Treatise on the Church of Christ*, Part I. c. ii.; Burnet *on Art.* XIX. The marks of the true church, adopted by the Church of Rome, (see *Catechismus Conc. Trid.*, Pars I. c. x.,) and retained by Mr. Palmer, are, that it is Una, Sancta, Catholica, and Apostolica. These marks are, as may be seen, too vague to characterise any church for a practical purpose. For example, every religious institute, not merely of Christendom, but of Mahometans and heathens, since the beginning of the world, has claimed to be 'holy.'

In the first place, an attempt is made to determine the true church by representing it as 'catholic' or 'universal.' But it cannot be disputed that, from the Apostolic age, there have been divisions among Christians, and separatist or heretical bodies, which prevented the universal reception of any one orthodox faith amongst the professors of the Christian religion.[1] Even in the first centuries, there never was a universal or catholic church, in the strict acceptation of the word;[2] and since the separation of the Eastern and Western Churches, and the great reformation of the 16th century, the non-existence of one universal church, having external communion and membership, and recognising common ecclesiastical superiors, is still more apparent. To assume, therefore, that there is a really existing 'catholic' or 'universal' church, one and indivisible, which acts as a body, and is capable of pronouncing decisions and expressing opinions, implies a manifest disregard of notorious facts; and to found practical conclusions

[1] 'The heretics, or seceders from the primitive church, were extremely various, at least in name, and there is no period in ecclesiastical history in which dissent has appeared under so many denominations as the earliest.'—WADDINGTON, *History of the Church*, vol. i. p. 138; ed 2. These differences of opinion were, however, confined to small knots and sections of dissidents, who disappeared in the larger and more important heresies which came in the following centuries.

[2] As to the origin of the name *Catholic*, which signified the prevailing and most widely spread church, as opposed to local and partial heresies, see Bingham's *Antiquities of the Christian Church*, B. I. ch. i. § 7.

Pearson *on the Creed*, Art. IX., (vol. i. p. 584, ed. Oxford,) explains the catholicism of the church to 'consist generally in universality, as embracing all sorts of persons, as to be disseminated through all nations, as comprehending all ages, as containing all necessary and saving truths, as obliging all conditions of men to all kinds of obedience, as curing all diseases, and planting all graces, in the souls of men.'

Mr. Palmer states that the universality of the church 'does not suppose a physical and absolute universality, including *all men*,' [sed qu. all Christians?] All that is meant is a '*moral* universality,' which he explains to be a power of obtaining adherents in all the nations of the known world, and to extend its limits in proportion as new nations and countries are discovered.—*On the Church of Christ*, Part I. ch. vii.

Walter, *Kirchenrecht*, § 11. (ed. 9,) gives a similar explanation. He says that the church is called catholic or universal, because the work of salvation is destined for all nations and times, and the church has always made this her aim. Klee, *Katholische Dogmatik*, vol. i. p. 93, says, that the catholicity of the church refers to its being intended for mankind at all places and times, and its including everything holy on earth and in heaven. The catechism of the Council of Trent is more distinct in its definition of catholica ecclesia. 'Neque enim, ut in humanis rebus publicis aut hæreticorum conventibus, unius tantum regni terminis, aut uno hominum genere ecclesia definita est; verum omnes homines, sive illi barbari sint sive Scythæ, sive servi sive liberi, sive masculi sive feminæ, caritatis sinu complectitur. . . . Universalis etiam ob eam causam dicitur, quod omnes, qui salutem æternam consequi cupiunt, eam tenere et amplecti debeant.' *Pars* I. c. x. qu. 14.

upon this ungrounded assumption is a barren labour, which can only satisfy those who are already convinced of the proposition to be proved.

No two churches whose tenets are substantially different agree as to the marks of the true church.[1] The Church of Rome holds that it is alone the true and catholic or universal church, and that no person who is not in communion with it is a member of the true church. All such persons it considers schismatics or heretics, unless they be Mahometans or heathens.[2] This position is denied by all Protestant churches. Many Protestant theologians hold that the Church of Rome is not even a portion of the true church.[3] One school of Anglican divines maintains that the Eastern Churches, the Church of Rome, and the Established Church of England and Ireland are members or portions of the true and catholic church; but that the dissenting churches of England, the Presbyterians of Scotland and Ireland, and the Protestant churches of Germany, Holland, France, Switzerland, and North America are not included in the true church.[4] It is, however, the general doctrine of Protestant divines, that (with a few exceptions, as Quakers, Unitarians, &c.) all the Protestant churches belong to the true church, and form an integral part of Christendom, though some of them may err in minor questions, both of faith and discipline.

But no church or sect, whatever its doctrines may be, can ever admit any definition of the marks of the true or universal church,

[1] Properly speaking, nothing is true but *propositions*. Truth can only be predicated where something is affirmed or denied. It is, therefore, an elliptical expression to speak of the *true church*. What is meant is, that the religious community in question can be alone truly said to constitute a church; whereas other communities, calling themselves churches, are not churches in fact. Thus, in cases of forgery, we speak of the true or genuine document or signature, as opposed to the false or counterfeit one: hence *crimen falsi*. The true church does not mean the church which teaches the truth, though it may accidentally possess that attribute. 'A true church (says Bishop Burnet) is, in one sense, a society that preserves the essentials and fundamentals of Christianity: in another sense, it stands for a society, all whose doctrines are true, that has corrupted no part of this religion, nor mixed any errors with it.'—*On Art.* XIX. p. 237.

[2] Besides the infidels, and the heretics and schismatics, who are without the pale of the Church of Rome, there are also excommunicated persons, (*Cat. Conc. Trid.* Pars I. c. x. qu. 8;) but their exclusion may be considered as penal and temporary.

[3] Even Mr. Palmer admits that those who deny the claim of the Roman to the title of a true church since the Reformation 'are not without some probability on their side.'—Part I. ch. xi. § 2. See on this subject, Bossuet, *Variations des Égl. Prot.* XV. 26.

[4] See Palmer *On the Church of Christ*, Part I. ch. ix.; ch. x. § 4; ch. xi. § 2; xii. § 4; ch. xiii. § 1; Part II. ch. x.

which excludes itself from that communion. No approach, therefore, is made to the recognition of a common authority, or the establishment of Christian unity, by laying down the maxim that all that the true church teaches is true. There is as much difference of opinion respecting the truth of the church, as respecting the truth of the doctrines which it teaches.[1] 'Those questions (says Bishop Jeremy Taylor) which are concerning the judge of questions, must be determined before you can submit to his judgment; and if you can yourselves determine those great questions which consist much in universalities, then also you may determine the particulars, as being of less difficulty.'[2] And while we profess to give to each Christian a short and easy method of avoiding controversies, too abstruse and complex for ordinary men, we involve him in questions equally hard of solution. Of what avail is it to tell a man that the judgment of the universal church is infallible,[3] if the means of determining the universality of the church are as much disputed between the contending sects, as the tenets to which this test of soundness is to be applied? It is only with regard to that intangible and indeterminate standard—the opinion of the universal church—that a claim is made for an infallible authority. With respect to the doctrines of particular churches, every church admits the possibility of error—except, indeed, for itself. Thus, the Church of England lays it down in Art. XIX. that 'as the churches of Jerusalem, Alexandria, and Antioch, have erred, so also the Church of Rome hath erred, not only in

[1] Burnet, *on Art.* XIX., (p. 234, ed. Oxford,) after adverting to the method of determining the true church by certain marks or notes, proceeds thus: 'Upon all this endless questions will arise, so far will it be from ending controversies and settling us upon infallibility. If all these must be believed to be the marks of the infallible church, upon the account of which we ought to believe it and submit to it, then two inquiries upon every one of these notes must be discussed, before we can be obliged to acquiesce in the infallibility: first, whether that is a true mark of infallibility or not? and next, whether it belongs to the church which they call infallible or not? And then another very intricate question will arise upon the whole, whether they must all be found together? or how many, or which of them together, will give us the entire characters of the invisible church?' Afterwards he adds: 'Thus it appears that these pretended notes, instead of giving us a clear thread to lead us up to infallibility, and to end all controversies, they do start a great variety of questions that engage us into a labyrinth, out of which it cannot be easy for any to extricate themselves.' In this view, Burnet agrees with Jeremy Taylor, whom he has followed.—*Liberty of Prophesying*, Sect. IX. Jeremy Taylor lays it down generally, that the church, in its diffusive capacity, is incompetent to be the judge of controversies.

[2] *Liberty of Prophesying*, Sect. IX.

[3] See Palmer, Part IV. c. 4.

their living and manner of ceremonies, but also in matters of faith.'

The rule of faith laid down by Vincentius of Lirinum, in the fifth century, *Quod ubique, quod semper, quod ab omnibus*, is inapplicable as a practical guide; because none of the distinctive tenets of the Christian sects—none of the doctrines which divide Christianity, answer this description. No article of faith has been held by all Christians, at all times, and in all places. None combines the three attributes required by him, of universality, antiquity, and agreement.[1] If, in order to make this maxim applicable, we arbitrarily exclude a certain portion of those who have laid claim to the appellation of Christians; if we call certain sects heretical and schismatical, and thus eliminate them from the aggregate body whose consent constitutes authority, then our reasoning proceeds in a circle. We begin by assuming as solved, the very problem of which we are seeking the solution. We propose to test the soundness of certain doctrines by the judgment of a certain tribunal, and we make the constitution of the tribunal depend upon those very doctrines. We exclude a part of the Christian world from our definition of 'all Christians,' on account of the unsoundness of their doctrines, in order to ascertain what is sound doctrine. We say that a certain doctrine is true, because it was held at all times and in all places; and when we find that it was not held by a certain Christian sect at a certain time and place, we say that they are not to be considered, because they are not a part of the true church; but when we inquire why they are not a part of the true church, we learn that it is because they do not hold the very doctrine in question. If the student asks what is the doctrine on the subject of the Trinity, which fulfils the condition, *Quod ubique, quod semper, quod ab omnibus*, he is told that it is the Athanasian. If he then points to the Arians as having been a large portion of the Christian world who held a different doctrine, he is told that they were heretics, and not to be reckoned as a part of the church. If he asks why they are heretics, and excluded from the church, the answer is, because they rejected the orthodox doctrine of the Trinity.[2]

[1] Universitas, antiquitas, consensio.

[2] Compare the circular reasoning of those ethical philosophers, adverted to by Mr. Mill, who take for their standard of moral truth what they deem to be the *natural* or *instinctive* sentiments of mankind, and explain away the numerous instances of divergence, by saying that they are cases in which the perceptions are *unhealthy* or *unnatural*. – *System of Logic*, vol. II. p. 466.

The doctrine of a 'catholic' or 'universal' church, when those terms are used, not as mere appellatives sanctioned by historical usage, or in some vague and mystical sense, but as an argument to establish the paramount authority of the church in matters of faith, is, in fact, nothing more than an attempt to give to a majority a decisive voice with respect to a question of opinion, as against a minority. Whether the majority be large or small, the catholic church is, as so understood, nothing more than a majority of Christians; its universality, in the view even of its advocates, is merely a preponderance of numbers over the heretical sects; and, therefore, an appeal to the catholicity of the church, in proof that its doctrines are true, is an appeal to the voice of the multitude upon a dispute as to truth. 'The characteristic of the heretic,' (says Bossuet,) 'that is to say, of the man who has formed a private judgment, is, that he holds to his own notions; the characteristic of the catholic, that is, of the universal, is, that he prefers to his own opinions the common opinion of the entire church.'[1] In the very passage in which Bossuet thus attempts to determine the question against the heretics, by assuming the universality of his own church, he opposes the catholics to the heretics, and virtually admits the claim of both to be Christians. At the same moment, therefore, that he is claiming to his own church the attribute of universality, he confesses that this universality is nothing more than a numerical majority. Yet it has been thought that, by marks such as these, the true church could be discerned, and that the truth of the Gospel could be made to rest upon the authority of the catholic church. Hence the celebrated declaration of Augustine: 'Ego vero evangelio non crederem, nisi me ecclesiæ catholicæ commoveret auctoritas.'

§ 10. But even if we admit the maxim, that 'what the true church teaches is true,' and are further agreed as to the marks by which the true church is to be recognised, there may still be serious differences of opinion within the precincts of that very church, as to what constitutes the authoritative voice of the church, and by what marks its valid decrees are to be determined. Thus, among Roman divines, some hold that the decision of the pope, as head of the church, is sufficient, without the concurrence of a

[1] 'Le propre de l'hérétique, c'est-à-dire, de celui qui a une opinion particulière, est de s'attacher à ses propres pensées; et le propre du Catholique, c'est-à-dire, de l'universel, est de préférer à ses sentimens le sentiment commun de toute l'Église.'—*Hist. des Variations*, Pref. § 29.

council; others require the concurrence of a council with the pope; while others hold that a council without the pope is infallible.[1] There are again further disputes as to what constitutes an œcumenical or universal council; as to the authority by which it is summoned, the members of which it is to be composed, the means by which it is to decide, and as to the necessity of a subsequent consent of the universal church to its decrees.[2] 'There are so many questions' (says Jeremy Taylor) 'concerning the efficient, the form, the matter of General Councils, and their manner of proceeding, and their final sanction, that after a question is determined by a conciliary assembly, there are perhaps twenty more questions to be disputed before we can, with confidence, either believe the council upon its mere authority, or obtrude it upon others.'[3] With regard to General Councils, the Church of England holds that 'when they be gathered together, (forasmuch as they be an assembly of men whereof all be not governed with the spirit and word of God), they may err, and sometimes have erred, even in things pertaining unto God.' (Art. XXI.)

The doctrine of the Church of England on the subject of church authority is contained in Article XX.: 'The church hath power to decree rites or ceremonies, and authority in matters of faith. And yet it is not lawful for the church to ordain anything that is contrary to God's word written; neither may it so expound one place of Scripture, that it be repugnant to another.' In commenting upon this passage, Bishop Burnet says—'Here a distinction is to be made between an authority that is absolute, and founded on infallibility, and an authority of order. The former is very formally disclaimed by our church, but the second may be well maintained, though we assert no unerring authority. . . . When any synod of the clergy has so far examined a point as to settle their opinions about it, they may certainly decree that such is their doctrine; and as they judge it to be more or less important,

[1] The infallibility of the pope is stated by the highest authorities to be still an unsettled doctrinal question in the Church of Rome. See Walter's *Kirchenrecht*, § 178. Compare Bossuet, *Variations des Égl. Prot.* XV. 165. That 'the church is infallible,' is a dogma universally admitted in the Church of Rome. The same doctrine is held by the Anglo-catholic school. See Palmer, Part IV. c. 4. But as soon as we proceed another step, and inquire how the infallible voice of the church is to be ascertained, the discordance of opinions, even within the Church of Rome, becomes irreconcileable. See the quotations in Palmer, Part IV. c. 12.

[2] Palmer, Part IV. ch. 7.

[3] *Liberty of Prophesying*, § 6. See also Burnet and Tomline *on Art.* XXI., and Bretschneider, *Dogmatik*, vol. I. § 43.

they may either restrain any other opinion, or may require positive declarations about it, either of all in their communion, or at least of all whom they admit to minister to holy things. This is only an authority or order for the maintaining of union and edification; and in this a body does no more, as it is a body, than what every single individual has a right to do for himself. He examines a doctrine that is laid before him, he forms his own opinion upon it, and pursuant to that he must judge with whom he can hold communion, and from whom he must separate. When such definitions are made by the body of the pastors of any church, all persons within that church do owe great respect to their decision. . . . . This is due to the considerations of peace and union, and to that authority which the church has to maintain it. But if, after all possible methods of inquiry, a man cannot master his thoughts, or make them agree with the public decisions, his conscience is not under bonds; since this authority is not absolute, nor grounded upon a promise of infallibility.'[1]

§ 11. The argument in favour of establishing a true church, as a source of infallible authority, is further supported by an attempt to represent it as having maintained a continuous succession from the Apostles, and having handed down the true doctrines of Christianity, and the true interpretation of Scripture, by an uninterrupted tradition.[2]

Here, again, we meet with the same method of proving *incertum per incertius*, and of solving one indeterminate problem by substituting for it another equally indeterminate. There is no general agreement as to what constitutes authentic and catholic tradition; or as to the distinction between the private opinions and inferences of the fathers of the church, by whom the doctrines are recorded, and tradition derived from an Apostolic source. The witnesses to whom reference is made often differ, and it cannot be proved that any constant and invariable oral tradition, ascending to the origin of Christianity, has continued to the present time.[3]

[1] See, further, Tomline *upon Art.* XX., who agrees with Burnet.

[2] For the Roman and Anglo-catholic doctrine of church tradition, see Walter, *Kirchenrecht*, § 17; Klee, *Katholische Dogmatik*, vol. I. pp. 271–84; Möhler, *Symbolik*, §§ 38, 39; and Palmer *on the Church*, Part II. c. 6; Part III. c. 3.

[3] See J. Taylor's *Lib. of Prophesying*, § 5. As to the doctrine of the reformed churches, compare Bretschneider, *Dogmatik*, § 43.

'The custom is so universal amongst those who wrestle to support the strength of every opinion in religion, to appeal to the judgment and the practice of the primitive times, that standers-by are apt to believe that every one of the litigants know very

Besides, the Christian church never professed to be in possession of a secret and mysterious doctrine, inaccessible to the rest of the world, and preserved in its exclusive custody. It cannot, in this sense, be a *tradux traditionum*. The doctrines of Christianity have always been published and promulgated; and there is no reason to suppose that a holy tradition would have been more faithfully preserved among the living members of the church than in the books and writings in which it was originally recorded. In fact, where there are contemporary records, the office of oral tradition ceases. Under such circumstances, oral tradition can only be supplementary to the written record; where it agrees, the agreement gives little confirmation, on account of the superior certainty of an authentic contemporary record, and the unfaithfulness, imperfection, and liability to foreign admixture, of tradition; where it differs, its claim to a Divine origin cannot be admitted until it is proved by direct evidence equal to contemporary attestation.

If the rule of faith is to consist both of Scripture and tradition, both of the written and the unwritten word of God, it is necessary that those doctrines which are referred exclusively to tradition as their origin, which are derived merely from the *verbum Dei non scriptum*, should be distinctly traced to their source, and that the tradition should be proved, by authentic evidence, to be not of a subsequent growth, but to be founded on a contemporary recollection of the fact recorded.[1] A historical event may be handed down by oral tradition as well as by a contemporary written record; but, in that case, satisfactory proof must be given that the

well where to find the judge to whom he appeals; and yet there was never any difficulty reconciled and determined by that judicatory: nor in truth do the appellants well understand what themselves mean by the appeal they make; nor would have reason to acquiesce in the judgment if they could receive it by agreeing upon it.'—Lord CLARENDON, *Essay on the Reverence due to Antiquity*, p. 218.

[1] Van Espen, as quoted by Walter, *ubi sup.* § 176, affirms that this is the case: 'Indubitatum est ecclesiam Catholicam eandem semper et ubique fidem ex traditione apostolicâ sive scripto sive sine scripto conservasse, nec circa articulos fidei quidquam novi post tempora apostolorum accidisse.' Compare Bossuet, *Variations*, Pref. § 26. This position is disputed by all the Protestant churches. For example, Protestants would not admit that such doctrines as purgatory, works of supererogation, transubstantiation, the sacrifice of the mass, and adoration of images, can be proved by authentic evidence to have been taught by Christ, and to be of apostolic institution. The theory of a gradual development of the Christian doctrines from certain seminal principles, which was propounded a few years ago by Mr. Newman, is, if not peculiar to himself, at all events quite inconsistent with the systems both of the Church of Rome and of Protestantism.

tradition is derived from contemporary witnesses.[1] The mere prevalence of a belief in a certain tenet within a church does not prove that tenet to have been derived from an authentic source, as Bossuet assumes;[2] its pedigree must be deduced from the first ancestor, and it must be proved by positive evidence, not by general presumptions, to have formed a part of primitive and Apostolic Christianity.

§ 12. An additional support of the doctrines of an infallible universal church, and of an authoritative church-tradition, is sought to be derived from the distinction between Fundamentals and Non-Fundamentals, or (in other words) between matters of faith, to be held *de fide*, and matters of mere opinion. It is affirmed, that the authority of the true church, and of church-tradition, is decisive with respect to fundamentals and matters of faith, but that, in other things, entire agreement is not necessary; so that a Christian who rejects any of the latter, does not incur the sin of heresy.

But here, again, the difficulty is merely shifted, not solved; it is transferred to another point, but it is not diminished. There is no received or certain test for distinguishing between fundamental and non-fundamental doctrines—between matters of strict faith and matters of mere opinion. That which one divine or one church may consider fundamental, another may consider immaterial, and the converse. We know from experience, that the most discordant views as to the character and extent of fundamentals have been taken by different theologians of authority in different countries, and under the influence of different general views on the Christian scheme.

'Unity in the fundamental articles of faith,' (says Dr. Waterland, who has treated this subject *ex professo*,) 'was always strictly insisted upon as one necessary condition of church-membership; and if any man openly and resolutely opposed those articles, or any of them, he was rejected as a deserter of the common faith, and treated as an alien. . . . . Hence it is, that we have almost as many different rules for determining *fundamentals*, as there are different sects or parties; and that which might otherwise

[1] See Note B. at the end of the chapter.

[2] 'Toutes les fois qu'on trouvera en un certain temps une doctrine établie dans toute l'église catholique, ce ne sera jamais que par erreur qu'on croira qu'elle est nouvelle.'—*Var. des Égl. Prot.* XV. 97.

serve (if all men were reasonable) to end all differences, has itself been too often made one principal bone of contention.'[1]

'A distinction,' (says Burnet,) 'is to be made between those capital and fundamental articles, without which a man cannot be esteemed a true Christian, nor a church a true church; and other truths which, being delivered in Scripture, all men are, indeed, obliged to believe them, yet they are not of that nature that the ignorance of them, or an error in them, can exclude from salvation.'

'Here,' (he continues,) 'a controversy does naturally arise, that wise people are unwilling to meddle with—what articles are fundamental, and what are not? The defining of fundamental articles seems, on the one hand, to deny salvation to such as do not receive them all, which men are not willing to do. And, on the other hand, it may seem a leaving men at liberty as to all other particulars that are not reckoned up among the fundamentals.'[2]

§ 13. The attempt to give authenticity to religious opinions by defining the church, and to establish a living standard and canon for the right interpretation of Scripture, independently of the intrinsic grounds of the decision, never met with entire success; inasmuch as there were heretical sects, who denied the authority of the predominant, or self-styled orthodox catholic church, from the earliest period of Christianity. Its failure was, however, rendered most conspicuous by the Reformation in the sixteenth century, when rival churches were set up, under the protection of the state, in the most civilised countries of Europe, contesting the pretensions of the Church of Rome, and, indeed, denouncing it as false and unchristian.

The leaders of the Reformation, and the Protestant churches

[1] A Discourse of Fundamentals, *Works*, vol. VIII. p. 90. Waterland, however, proposes his own enumeration of fundamentals. Compare Palmer *on the Church*, Part I. ch. 5; App. Various writings on the subject of fundamentals are cited by Waterland; others are mentioned in Bretschneider, *Dogmatik der Lutherischevangelischen Kirche*, vol. I. § 47.

Mr. Gladstone, *The State in its Relations with the Church*, ch. 2, § 105; ch. 7, § 97, (ed. 4,) agrees as to the uncertainty of the definition of fundamentals. Dr. Hampden, *Bampton Lectures*, p. 352, ed. 2, condemns the distinction as being a remnant of scholasticism. Klee, on the other hand, *Katholische Dogmatik*, vol. I. p. 60, (ed. 3.) considers it a Protestant invention, and rejects it as inconsistent with the Catholic doctrine. Compare Chillingworth, *Works*, vol. I. ch. 3. Hallam, *Lit. of Eur.*, vol. II. ch. 2, § 31.

[2] *On Art.* XIX., (p. 236.)

in general, rejected the maxim that '*the* church,' (however determined,) is the decisive authority for religious truth; and they laid little or no stress on the doctrines of tradition and Apostolic succession as guides in the interpretation of Scripture. For the most part, the Protestant churches framed certain authoritative summaries of their faith, (such as the Augsburg Confession, the Thirty-nine Articles, &c.;) but they founded the authority of their creeds, and the obligation of Christians to adopt them, not on the teaching of their church, and its possession of an authentic tradition and an authoritative voice, but on their accordance with Scripture.[1]

The creeds of all the reformed churches are particularly explicit on this point, which was, indeed, a fundamental and characteristic doctrine of Protestantism. Instead, like the Church of Rome, of recognising a compound rule of faith, which comprehended both Scripture and oral tradition, and placed the two upon an equal footing, the Protestant churches, however they might differ in other respects, agreed in establishing a simple rule of faith, consisting exclusively of Scripture. This principle is expressed in the clearest terms in the Articles of the Church of England, and, indeed, pervades their whole substance. Art. VI. states that 'holy Scripture containeth all things necessary to salvation; so that whatsoever is not read therein, nor may be proved thereby, is not to be required of any man, that it should be believed as an article of faith, or to be thought requisite or necessary to salvation.'[2] Art. VIII. declares that the three creeds —the Nicene, Athanasian, and Apostles' creed—'ought thoroughly to be received and believed,' not because they were received by the early church, and founded upon an authoritative tradition, but because 'they may be proved by most certain warrants of Scripture.' So, again, Art. XX. lays it down that the church cannot ordain or decree anything *contrary to* holy writ, or enforce any-

[1] With respect to the doctrines of the early reformers on Scripture and tradition, and their condemnation by the Council of Trent, see Sarpi, *Hist. du Concile de Trente*, l. II. c. 43–6, 56, trad. de Courayer. Sarpi states that one of the members of the council urged their laying down, 'that every Christian is bound to believe in the Church;' but that this proposition was unanimously rejected, partly on the ground that the heretics would pretend to be the true church, to which so much authority was given, c. 45. Compare Möhler, *Symbolik*, § 44–51; Bretschneider, *Dogmatik*, vol. I. § 33; Walter, *Kirchenrecht*, § 35.

[2] See Burnet's commentary on this article, as to the antithesis between the doctrines of the church of Rome and that of England on this head. A similar view is taken by Bishop Tomline on the same article.

thing *beside* the same, to be believed for necessity of salvation; and Art. XXI. decides, that things ordained by General Councils as necessary to salvation have neither strength nor authority, unless it may be declared that they be taken out of holy Scripture.[1] Again, Art. XXXIV. says that 'it is not necessary that traditions and ceremonies be in all places one, or utterly like, for at all times they have been diverse, and may be changed according to the diversity of countries and men's manners, so that nothing be ordained against God's word.' In all these passages, the reference to Scripture as the paramount and exclusive standard of faith is manifest.

The distinctive theories of the Church of Rome and of the Protestant churches on this subject, may be stated thus:—

According to the Church of Rome, there are certain marks by which the one true Christian church can be recognised.

Those marks exist in the Church of Rome, and in no other.

The true and genuine doctrines have been preserved by an uninterrupted tradition in the true church.

Therefore, whatever the Church of Rome teaches is true, and her authority is a legitimate ground of belief in things spiritual. All Christians who reject her authority in matters of faith are heretics, and without the pale of the church.

On the other hand, the Protestant churches hold that the Scriptures of the Old and New Testament contain everything which goes to make up Christianity, and that they are the exclusive and ultimate rule of faith. They deny the existence of any uninterrupted and exclusive transmission of true doctrine in any church since the time of the Apostles. Each Protestant church lays down certain doctrines, which it considers to constitute, in the aggregate, the true exposition of the Christian religion; but it claims Divine authority to this body of doctrines, simply on the ground that they are all expressly contained in Scripture, or can be inferred from it by a legitimate process of deduction.

It was on account of this exclusive reference to Scripture, that the Protestant divines laid more stress on the inspiration of the holy writings than the theologians of the Church of Rome; and that the Protestants were accused of bibliolatry.

Owing to this deposition of church authority, and to the

[1] Commenting on this article, Burnet says of the early councils—'We reverence those councils for the sake of their doctrine, but do not believe the doctrine for the authority of the councils.'

adoption of the maxim that 'the Bible only is the religion of Protestants,'[1] it has been commonly asserted that the reformed churches have admitted the right of *private judgment* in religious matters.

Now, in a certain sense, every church which possesses a fixed written confession of faith predetermines the most important articles of Christian belief, and therefore can hardly be said to leave a free scope to private judgment.[2] But the reformed churches agree in making the Scriptures the exclusive canon of religious faith; they admit that their creed is only entitled to acceptance so far as it is supported by Scripture; and they do not assume that their church, in its collective capacity, is alone competent to decide on the correct interpretation of the Divine records. In this sense, therefore, the reformed churches admit the right of private judgment. They do not claim for the decrees of any church an authority independent of, or extraneous to, Scripture.

It has been stated by an eminent text writer, that, when the two forms of belief are reduced to their elements, Catholicism is the complete recognition of the authority of the church; while Protestantism is the negation of that authority, and the substitution of the private judgment of each individual.[3] But although a Protestant denies the authority of the Church of Rome, he recognises the authority of his own Church. The difference properly does not consist in the recognition of the principle of authority by one party, and the rejection of that principle by the other, but in the recognition of *different* authorities.

§ 14. On looking back to what has been said, it will be seen that no one church can justly make any claim to authority in matters of religious belief, upon the grounds on which opinions in matters of science acquire authority. There is no consent of competent judges over the civilised world. Inconsistent and opposite forms of Christianity continue to exist side by side. There is not

[1] Chillingworth, *Religion of Protestants*, ch. 6, § 56, (vol. ii. p. 450.)

[2] The Church of England declares that 'they are to be accursed that presume to say that every man shall be saved by the law or sect which he professeth, so that he be diligent to frame his life according to that law and the light of nature,' (Art. XVIII.) This article, however, appears from its sequel to refer to heathens, or others not professing Christianity, and to be intended to exclude from salvation only those who are not Christians. It does not affect those who claim to be Christians, though they may not be members of the Church of England. As to the sense in which Protestantism involved the principle of private judgment, *see* the remarks of Mr. Hallam, *Literature of Europe*, vol. i. ch. 6, § 33.

[3] See Klee, *Kath. Dogm.* vol. i. p. 312.

any general agreement among divines of different churches, as there is among men of science as to their respective subjects in different countries; and scarcely even any tendency to such an agreement.[1] Attempts at mutual conversion on a large scale entirely fail; while those which are limited in their numbers give rise to questions as to the motives of the converts, and add but little strength to the church which receives them.[2] Even a government cannot safely adopt any authority in ecclesiastical matters, or assume the exclusive truth of any one form of Christianity. It must look mainly to the *numbers* of each religious persuasion, in deciding the question of endowments for religious and educational purposes; and to the *religion of parents* in establishing the rules for determining the creed in which children, incapable of judging for themselves, are to be brought up.[3]

The Church of Rome makes boldly the claim of authority for its own decisions. But there is a large, and that not the least enlightened and intelligent, portion of the Christian world which peremptorily denies this claim. Moreover, even among its own members, there is great difference of opinion as to the organs of that authority. The ultramontane doctrines differ on this head from those of some of the national churches. Decisions, which some classes of Roman-catholics consider as authoritative, others refuse to admit as genuine expressions of the voice of the church.

Even if it is conceded that the teaching of the church carries with it an authority binding upon the consciences of all the faithful, yet there is no general agreement as to the extent of the church, or the communion signified by this term. The member of the Church of Rome limits the acceptation of church to his

[1] Compare Note C. at the end of the chapter.

[2] Lord Clarendon, in his Essay *Against the Multiplying Controversies*, remarks upon the fact, 'that all the conferences held, and all the books written, between those of the Roman and those of the reformed religion, for the space of above 150 years, by men of unquestionable knowledge and virtue, should not work upon any one man, for ought appears, to change the opinion he brought with him; for of those who run from one communion to another, they are such who do not pretend to judge of arguments, or such who seldom give an account of their true inducements,' &c., p. 241, ed. fol. And in his *History of the Rebellion*, he says—'Our observation and experience can give us few examples of men who have changed their religion, and not fallen into some jealousy and distrust, or disreputation, even with those with whom they side, that have made their future life less pleasant and delightsome; which, it may be, happens only because we have rare instances of men of extraordinary parts, or great minds, who have entertained those conversions,' vol. iv. p. 317, ed. 12mo.

[3] On this subject, some further remarks are made in Chapter IX.

own church; Protestants include under it different ecclesiastical communities, agreeing only in the profession of the Christian faith, or agreeing in certain fundamental tenets, such as the Athanasian doctrine of the Trinity—or in a certain form of church government, such as episcopacy. Even as to the term 'Catholic church,' there is no general agreement in Christendom. The historical usage limits this term to the Church of Rome, which never was a universal church, in the sense of its including, *de facto*, all Christians; but was universal, or Catholic, only in the sense of its claiming to be orthodox, and therefore to include, *de jure*, all Christendom, and also as not being a merely national church, but comprehending several nations and countries. Protestant divines in general, however, extend the term Catholic church either to all Christendom,[1] or they limit it by some condition, as to which there is a variety of opinion. The 'Catholic church,' or 'Catholic consent' of the modern Oxford school, is a perfectly arbitrary standard, which can satisfy no marked denomination of Christians. Of what avail is it to imagine an invisible ideal church, formed of such heterogeneous and mutually repelling bodies, as the Church of Rome, the Greek Church, and the Church of England? What agreement exists, or can exist, between them, and how can it be defined or expressed? The Church of Rome, by its authentic organs, proscribes the Church of England as heretical, and will hold no communion or church-membership with it. The Church of England lays it down, in an equally authentic manner, that the Church of Rome has erred in matters both of faith and discipline; and authoritative divines of the Anglican Church teach that the Church of Rome is a church without a religion. Under these circumstances, no practical solution of sectarian differences can be derived by a reference to 'Catholic consent,' so determined.

It follows that no person can accept the doctrines of the Church of Rome, upon the mere authority of the rulers and doctors of that church, with the same well-founded security against error which he possesses for his belief in adopting the established truths of astronomy or mechanics, upon the mere credit of mathematicians and men of science.

[1] As to the claim of the reformed churches to be members of the Catholic church, and the declarations on the subject in their confessions, see Klee, *Kathol. Dogmatik*, vol. i. p. 98. See Bretschneider, *Glaubenslehre*, § 55, for the views of the modern German Protestants on the meaning of 'Catholic church.' As to Jurieu's doctrine, see Palmer, vol. i. p. 128.

The same objection, founded on the absence of a general agreement, or tendency to agreement, among the principal theologians of Christendom, applies also to each of the Protestant creeds. The existence of the non-Protestant sects weakens the authority of the divines of the Protestant churches; the existence of the non-Catholic sects weakens the authority of the divines of the Church of Rome. The authority of each Protestant church is, again, still further weakened by the existence of mutual differences between Protestants as to their respective tenets.[1]

Besides which, the Protestant writers lay less stress on the authoritative teaching of the church; they admit that national churches have erred; and they hold that no doctrine of any church is binding, unless it can be proved by Scripture. The teaching of the church is not, as such, according to them, decisive; it must be demonstrably founded on Scripture authority. Add to which, that while they refer to Scripture as their exclusive canon of religious truth, they scarcely claim to possess any rule of interpreting Scripture, or of resolving doubts as to the signification of particular passages. For the interpretation of Scripture, each Protestant church relies upon the expositions of approved commentators, and, in doctrinal passages, principally on those of its own communion, but without setting up any infallible rule or standard of interpretation.[2]

§ 15. On account of the intrinsic obscurity and transcendental nature of the leading ideas in theology, and of the difficulty of arriving, even with the aid of revelation, at distinct and intelligible conclusions on subjects lying without the domain of human consciousness or sensation, it would be extremely desirable, for the guidance of people in general, that a consentient authority in questions of Christian theology should exist. The attempts to remove error, to enlighten dissidents from the true faith, to create a trustworthy authority in things spiritual, and to produce a unity of the church, have been ill-devised and unsuccessful—but they have almost invariably been sincere. They have originated in a sense of the evils springing from diversity of religious opinion, without a common living point of reference, and of the advantages likely to accrue from uniformity of faith and church discipline. Instead, however, of resorting to conciliatory courses, and

[1] See Bossuet, *Variations des Églises Protestantes*, Pref. sect. 16.

[2] See the Protestant doctrine of Scripture-interpretation explained at large, by Jeremy Taylor, in the *Liberty of Prophesying*, sect. 4.

of endeavouring to diminish differences by amicable explanations and mutual concessions, the teachers of theology and leaders of churches and sects have, in general, condemned diversities of opinion with asperity, and in a confident and intolerant spirit, which has provoked retaliation and perpetuated division. By seeking thus to propagate truth in a matter in which allowances ought peculiarly to be made for difference of opinion, divines have multiplied controversies beyond all reasonable limits; so that the most patient student is bewildered in the labyrinth of discussion, and the most deferential inquirer is at a loss to which authority he is to bow. When, however, a person, either from a firm reliance on the creed of the church in which he has been brought up, or from independent examination, is satisfied of the general truth of the doctrines of any particular church, he will naturally regard with respect the divines who are considered as authorities within that religious communion. In all controversies and discussions, too, carried on between members of the same church, the works of the received text-writers and leading divines of that church will be referred to as a common authority and standard of decision. It is in this sense that the Church of England, according to the opinion of the best expositors of its articles, claims authority in matters of faith, (*Art.* XX.) Its authority is limited to its own members.

This is, in substance, the view of church authority which is taken by Hooker. In determining the Rule of Faith, he places Scripture in the first rank; and, in the next, such direct and manifest inferences from it as each person may make by his own unassisted judgment. The last place he assigns to the authority of the church, which he justly considers as more competent, in a corporate capacity, to decide doubtful questions than any of its individual members.[1]

§ 16. On reviewing what has been said above on the state of religious opinion in Christendom, and the claim to authority

[1] 'Be it matter of the one kind or of the other [*i. e.*, matter of order or of doctrine], what Scripture doth plainly deliver, to that the first place both of credit and obedience is due; the next whereunto is whatsoever any man can necessarily conclude by force of reason; after these the voice of the church succeedeth. That which the church by her ecclesiastical authority shall probably think and define to be true or good, must in congruity of reason overrule all other inferior judgments whatsoever.'—*Eccl. Pol.* b. v. ch. viii. § 2. Compare also Pref. c. iii. §§ 1, 2, and b. ii., where, confuting the exaggerations of the Puritans, he shows that human reason is the ultimate test in judging of Scripture. A similar view of church authority is taken by Dr. Hampden, *Bampton Lectures*, Lect. 8, p. 372, ed. 2.

possessed by any one of its churches or sections, we are led to the following conclusions:—

1. That no agreement as to the distinctive or characteristic doctrines of the several Christian sects exists among the theologians of Christendom, and, consequently, that no church or denomination of Christians can claim assent to its tenets, and by its legitimate authority command the belief of a conscientious inquirer, on the grounds on which a reasonable deference may be paid to authority in secular matters.

2. That although there is no agreement as to the peculiar doctrines of any Christian church, there is an agreement among all civilised nations in accepting some form of Christianity, and in recognising the Christian revelation according to some construction of its effect and intent.

The practical deduction from these results seems to be, that the mere authority of any church or sect cannot of itself reasonably command assent to its distinctive and peculiar tenets, while the present divisions of Christendom continue; and that a person born in a Christian country can only with propriety adopt one of two alternatives—viz., either to adhere to the faith of his parents and predecessors, and that of the church in which he has been educated, or, if he is unwilling to abide by this creed, to form his own judgment as to the choice of his sect by means of the best independent investigation which his understanding and opportunities for study enable him to make.

This conclusion is, in the main, identical with the result at which Jeremy Taylor arrives in his *Liberty of Prophesying*, with whose words I will conclude this chapter.

'Although,' (he says,) 'we are secured in fundamental points from involuntary error, by the plain, express, and dogmatical places of Scripture, yet in other things we are not, but may be invincibly mistaken, because of the obscurity and difficulty in the controverted parts of Scripture, by reason of the uncertainty of the means of its interpretation; since tradition is of an uncertain reputation, and sometimes evidently false; councils are contradictory to each other, and therefore certainly are equally deceived many of them, and therefore all may; and then the popes of Rome are very likely to mislead us, but cannot ascertain us of truth in matter of question; and in this world we believe in part, and prophesy in part; and this imperfection shall never be done away till we be translated to a more glorious state: either we

must throw our chances, and get truth by accident or predestination, or else we must lie safe in a mutual toleration, and private liberty of persuasion, unless some other anchor can be thought upon, where we may fasten our floating vessels, and ride safely.'—Sect. VII., *ad fin.*

NOTES TO CHAPTER IV.

NOTE A. (page 51.)

'IT is, indeed, true that the prevalence of internal differences disturbed the unity of collective Christendom; but, if we do not deceive ourselves, it is another universal law of human things that this disturbance prepared a higher and a larger development of the human mind.

'In the press of the universal struggle, religion was conceived by different nations after the different varieties of its dogmatical forms. The peculiar dogma adopted was incorporated with the feeling of nationality, as a possession of the community—of the state or the people. It was won by the sword—maintained amidst a thousand dangers; it had become part of the life's blood of the nations.

'Hence it has come to pass, that the states on either side have grown into great ecclesiastico-political bodies, whose individuality is marked—on the Catholic, by the measure of their devotedness to the Roman see, and of the degree of toleration or exclusion of non-Catholics; but still more strongly on the Protestant, where the departure from the symbolical books adopted as tests, the mixture of the Lutheran and the Calvinistic creeds, the greater or less approximation to an episcopal constitution of the church, form so many striking and obvious distinctions. The first question in every country is—what is its predominant religion? Christianity appears under various forms; but, however great be the discrepancies between them, no party can deny to another the possession of the fundamentals of faith. On the contrary, these several forms are guaranteed by compacts and by treaties of peace, to which all are parties, and which are, as it were, the fundamental laws of a universal republic. Never more can the thought of exalting the one or the other confession to universal supremacy find place among men. The only consideration now is, how each state, each people, can best proceed from the basis of its own politico-religious principles to the development of its intellectual and moral powers. On this depends the future condition of the world.'—RANKE'S *Popes of Rome*, vol. ii. *ad fin.* Engl. Transl.

NOTE B. (page 62.)

The transmission of the evidence for an historical fact by oral tradition may be illustrated by the celebrated story of the ring, which the favourite Essex is said to have sent to Queen Elizabeth before his execution. This story was handed down by tradition in the family of the Earl of Monmouth, and was first published, in an authentic form, by Mr. Birch, in 1749. The Countess of Nottingham, who appears as a principal party in the transaction, was

the wife of the Lord High Admiral, and sister of Robert, Earl of Monmouth. Henry, Earl of Monmouth, son of Earl Robert, had a daughter Martha, who married John, Earl of Middleton. Lady Elizabeth Spelman was the daughter of the Earl and Countess of Middleton; and from her report, (who was the great-granddaughter of the Countess of Nottingham's brother,) Birch published the particulars of the tradition in the reign of George II. (*Negotiations*, p. 206.) The story had, however, obtained publicity at an earlier period; it was known in the reign of Charles I. to Mr. Hyde, who disbelieved it—to Sir Dudley Carleton, who told it to Prince Maurice in Holland, (see Birch's *Memoirs of Queen Elizabeth*, pp. 481, 490,) and to Francis Osborn, who published it in his *Traditional Memoirs on the Reign of Queen Elizabeth*, in 1658, pp. 92-5. According to these versions of the story, the ring was sent by Essex to the Countess of Nottingham, to be given to the Queen; but according to Lady Elizabeth Spelman's version, the ring was sent to Lady Scrope, and given by mistake to her sister, Lady Nottingham. Upon the evidence of the tradition published by Birch, the story has been accepted as true by Hume and other historians.

Note C. (page 67.)

It is curious to compare the difficulties started by Lucian with respect to the choice of a particular sect among the several schools of ancient philosophy. The impossibility of personally investigating the doctrines of each sect, and the absence of all *à priori* authority in favour of any, are urged by him with his usual ingenuity and power of sarcasm in the dialogue entitled *Hermotimus, ἢ περὶ αἱρέσεων*. In this dialogue, Hermotimus, a Stoic philosopher, is pressed by his friend Lycinus to state his reasons for selecting the Stoic sect in preference to the others. The following is an outline of the argument:—

Lycinus begins by asking Hermotimus what induced him, when there were so many philosophic schools, to prefer the Stoic sect, while he was still a common man, an *ἰδιώτης*, and ignorant of philosophy? Were you (he says) directed to it by the voice of an oracle? (c. 15.) Hermotimus answers that he made the choice upon his own judgment, and that, in choosing the true philosophy, he was guided by the *numbers of its adherents*. Being asked how he knew that the Stoics were more numerous than the Epicureans or Peripatetics, and whether he counted them as at a public vote, (*καθάπερ ἐντοῖς χειροτονίαις*,) he says that he guessed their number. Lycinus remarks upon the unsatisfactory nature of this test, and Hermotimus then adds that he had another reason; he had heard everybody say that the Epicureans were addicted to pleasure, that the Peripatetics were fond of money, and the Platonics full of conceit; but that the Stoics were enduring and wise, and that their followers were the only perfect men, (c. 16.) Having furnished this second test, he is forced to admit that he did not take this favourable character of the Stoics from the Stoics themselves, or the unfavourable character of the other sects from those sects; and he does not deny that he took it from the ignorant and illiterate. Upon Lycinus expressing his wonder that any one should have derived his opinions respecting philosophy from such an authority, Hermotimus tries another ground. He had always observed (he says) that the Stoics were decent and serious in their demeanour, properly clothed, holding a fit medium between effeminacy and negligence, with their heads close shaven. Lycinus inquires whether we are to judge of merit merely

by gravity of deportment, dress, and long beards. Surely (he says) there must be some universal criterion to judge by; and we are not left to decide whether a man is a good or bad philosopher by his outward appearance, (c. 18, 19.)

Lycinus, unable to obtain from his friend any satisfactory mark of the true sect, says that he will try to discover it for himself, (c. 21.)

He proceeds to compare philosophy with a happy and well-governed city, and to represent himself as seeking the way to it. Many persons offer themselves as guides, and point out different roads—one leading to the east and another to the west; one to the south and another to the north; one passing through a pleasant country, others rough and laborious, but all supposed to bring the traveller to the same city, (c. 22–5.) 'Thus I am still left in doubt and uncertainty, for at the entrance of every path I am met by a man, worthy no doubt of all confidence, who stretches out his hand and desires me to follow him, telling me that his is the only right way, and that all the other guides are wandering in ignorance, having neither come from the city themselves, nor being able to direct others to it. The next and the next I meet tells me the same story of his own path, and abuses the other guides; and so will every one of them. It is this variety of ways which distracts and confounds us; where each guide contends for and praises his own, I cannot tell which to follow, or how I am ever to arrive at this happy city,' (c. 26.)

Hermotimus now says that he can remove all his friend's doubts: let him trust those who have gone the journey before him, and he cannot err. Lycinus, however, is not satisfied with this receipt: each guide (he says) praises his own road exclusively: one takes Plato's, another Zeno's, but no one knows more than his own, and it is impossible to be sure that the road leads, after all, to the right city: the guide may be mistaken, (c. 27.)

Hermotimus then assures him that he may go the whole round, but he will never find better guides than the Stoics. Let him follow Zeno and Chrysippus, and they will lead him aright, (c. 29.)

Lycinus repeats that this assurance is unsatisfactory, and that a similar one would be given by the Platonists and Epicureans of *their* leaders. Each thinks his own sect the best, and vaunts his own guide. Besides, you are only acquainted with your own doctrines, and you condemn those of the other sects without knowing them. Hermotimus denies this. The Stoic teachers (he says) in their lectures always mention the tenets of the other schools, and refute them, (c. 32.)

Lycinus treats this argument as futile. The other philosophers would not (he replies) be content to be so judged. Your philosophers set up men of straw, in order that they may be easily knocked down. Such a controversy is no real conflict, but a sham fight, in which the victory is certain beforehand. 'In short, (concludes Lycinus,) while it remains uncertain which is the best sect in philosophy, I am resolved not to follow any one, as that would be an affront upon all the rest,' (c. 34.)

Hermotimus insists that it is needless to study the other philosophies. Truth (he says) may be learnt from the Stoics without going to all the other sects. If a man told you that two and two are four, it would not be necessary for you to suspend your belief until you had consulted all persons versed in arithmetical science, (c. 35.)

Lycinus denies the applicability of this argument. The subjects about which

the philosophic sects differ are doubtful; there is no mode of resolving the doubt, and no common agreement, (c. 36.)

With regard to philosophy, the only man (he continues) in whom I can repose confidence is one who has mastered the doctrines of all the sects, has tried them all, and has chosen that which, by his own experience, he is satisfied is the only one which can guide him to true happiness. If we can meet with such a man, our labour is at an end. But such a man (says Hermotimus) cannot easily be found, (c. 46.)

The two disputants then enter into a calculation as to the length of time which must be allowed for obtaining a familiar knowledge of the tenets of each sect, and they reckon ten sects at twenty years each, (c. 48.) Hermotimus remarks that, make what reduction they will, very few persons would be able to go through all the sects, though they began as soon as they were born. On this Lycinus repeats, that unless a man knows all the systems, he cannot select the best, except by chance; he can only stumble upon it accidentally in the dark, (c. 49.)

Hermotimus complains that Lycinus requires impossibilities. He will neither accept the opinion of those who judge for themselves, unless they have lived the life of a phœnix, nor will he follow those who are satisfied with the consent of the multitude. Lycinus asks who are the multitude? If it consists of men who understand the subject, one will suffice; but if of the ignorant, their number does not influence his belief, (c. 53.) Hermotimus then returns to self-judgment. It may be right (he admits) to inquire into the opinions of each sect, but the length of time assigned by Lycinus is excessive. A judgment may be formed from a portion or sample—*ex ungue leonem.* Lycinus replies that when the whole is known, it can be judged from a part; but in this case the whole is not known. If the philosophers had thought their principles simple and easy of acquisition, they probably would not have written so many thousand volumes, (c. 54–6.) He adds, that if his friend is impatient of the time and labour necessary for examination, he had better send for a diviner, or draw lots for the best, (c. 57.)

Hermotimus inquires if he is to give up the matter in despair, unless he can live a hundred years? (c. 63.) Lycinus then undertakes to point out the qualifications requisite for inquiring into the subject. These are acuteness of mind, long-continued labour and study, and perfect impartiality, (c. 64.) Even with these qualifications, a person is not secured against error. It is possible that all the different sects of philosophy may be in error, and that the truth has not yet been discovered, (c. 65, 66.)

Lycinus then proceeds to another objection. He asks his friend whether, in all the sects, there are not teachers who say that they alone understand the subject, and that all the others are mere pretenders to knowledge. Hermotimus assents to this proposition, and admits that it is difficult to distinguish between the true philosophers and the impostors, (c. 68.) If, therefore, (says Lycinus,) you can meet with a master who himself knows, and can teach you the art of demonstration, and how to determine in doubtful cases, your labour is at an end, for then what is good and true will immediately appear; falsehood will be detected; you will be able to make choice of the best philosophy—will acquire that happiness which you have so long been in search of, and possess everything that is desirable. Hermotimus is delighted with this view, and declares that he will

instantly look out for such a guide, (c. 69.) Lycinus, however, immediately destroys his satisfaction by showing that this man, if found, could not be relied on, until another person was discovered, who could decide if he was a safe guide, and so on, to a third. His demonstrations, too, would be called in question; everything would revolve in a circle of uncertainty, and nothing would be determined, (c. 70.)

After some further arguments of Lycinus against the Stoic system in particular, Hermotimus owns that he is convinced of his error, and declares his intention to renounce philosophy henceforth, (c. 83.) Lycinus adds that he should have used precisely the same arguments if his friend had belonged to any one of the other philosophic sects, (c. 85.)

CHAPTER V.

ON THE UTILITY AND PROPER PROVINCE OF AUTHORITY.

§ 1. It has been shown briefly in Chapter II., that a large portion of the opinions of mankind are necessarily derived from authority. Children necessarily imbibe the opinions of their parents and teachers; the time and means for the independent investigation of speculative opinions on a large number of subjects are wanting; and on questions of practice it is necessary for a man to be guided by the advice of professional persons, having had a special training and experience in the matter.

We have, in a subsequent chapter, attempted to trace the marks of a trustworthy authority in matters of speculation and practice, and have described the means by which trustworthy authority is gradually formed. This description, as we have further shown, does not apply, without considerable qualifications, to religious questions.

We now turn to consider what are the proper uses of authority, and what are the circumstances in which it can be resorted to with advantage, for the guidance of opinion, and the management of the affairs of life, both private and public.

As to speculative questions of science and philosophy, every person ought, as far as his leisure and opportunities for reading and reflection will permit, to attempt to form for himself an independent judgment. Every person, however, will find in numerous subjects that he is unable to go through the processes necessary for forming such a judgment; and, with respect to these, he ought, in the choice of his authority, to be guided by the maxims stated above. *Vita brevis, ars longa*, says the old Hippocratean aphorism;[1] and even when a person succeeds in mastering a great variety of subjects, the result is not always satisfactory. Men of

[1] See Hippocrat., *Aphorism.* I. § 1, (tom. iv. p. 458, ed. Littré.)

encyclopædiacal minds are not always perspicuous or precise; still less often are they original and inventive. *Multum legere, non multa*, is a good maxim for all who desire to extend the bounds of a science, or to be sound practitioners in any art or profession.

The division of scientific labour, like the division of mechanical labour, increases both its productiveness and its precision. Where the attention is concentrated upon the same intellectual object, the result is a performance at once more finished and more complete. It is, however, necessary that men of comprehensive minds should survey the whole circle of the sciences, should understand their mutual relations, and adapt them to each other, as, in the progress of discovery, they change their respective positions. Those who devote the chief part of their thoughts and studies to one science, ought to be aware of its place in the scientific system, and to appreciate the extent to which it may be influenced by the cultivation of other sciences. They ought to avoid that narrowing influence which is produced by restricting the mind to the exclusive contemplation of one subject. Above all, every person should, as far as his means extend, make himself master of the methods of scientific investigation, so as to be able to judge whether, in the treatment of any question, a sound and correct method, conformable to the precepts of a philosophical logic, has been observed. Provided with this organon or instrument for determining the truth, he may, after applying it to subjects lying out of his own special province, rest satisfied with a knowledge of the *results*, without attempting a verification of all the steps by which they have been obtained.[1]

§ 2. Even in cases where a person undertakes to form an independent judgment for himself, by an examination of the appropriate evidence, and by the proper logical processes, he ought to treat with respect the opinions of competent judges, and yield a reasonable deference to their authority. Upon all doubtful questions, in which the elements of decision are numerous and complex, and the evidence conflicting, the opinion of able and honest judges is entitled to great weight, and will cause any candid and cautious person, if he comes to an opposite conclusion, to distrust his own judgment, and enounce his own opinion with modesty and hesitation.

Whenever a person, having formed an opinion upon grounds

[1] Compare Comte, *Cours de Philosophie Positive*, tom. i. pp. 29–32; tom. iv. p. 214; tom. vi. pp. 462, 475; Whewell, *Phil. of Ind. Sciences*, b. XI. c. 6, § 9.

which appear satisfactory to himself, asserts it confidently, and adheres to it resolutely, without showing due deference to the authority of others, he is justly exposed to the charge of *arrogance* or *presumption* in judging.[1] The opinion of experienced men, having a special acquaintance with the subject, is always entitled to weight, even if it be unsupported by argument.[2] Hence, all young persons, who attempt to judge for themselves, either are, or appear to be, arrogant; as they can scarcely fail to set at nought the opinions of persons more experienced and of greater authority than themselves. It is difficult for a young man, on account of the narrow circle of his experience, to discriminate between the cases in which he ought to judge for himself, and those in which he ought to defer to the opinions of others. He ought not to form, in youth, a habit of blind submission to authority, such as the Jesuits inculcated upon their disciples; but a spirit of docility, and respect for the opinions of their elders, undoubtedly becomes the young; and it is certain that their opinions, especially on practical questions, however formed, will in general be of very little value to others,[3] however important it

[1] The appeal to authority is called by Locke *argumentum ad verecundiam*, because it is thought a breach of modesty to question the opinion of men of authority.—*Essay on the Understanding*, b. iv. c. 17, § 19.

[2] Δεῖ προσέχειν τῶν ἐμπείρων καὶ πρεσβυτέρων ἢ φρονίμων ταῖς ἀναποδείκτοις φάσεσι καὶ δόξαις οὐχ ἧττον τῶν ἀποδείξεων. διὰ γὰρ τὸ ἔχειν ἐκ τῆς ἐμπειρίας ὄμμα ὁρῶσιν ὀρθῶς.—Aristot. *Eth. Nic.* VI. 12.

The wisdom of the aged in council has been proverbial from antiquity downwards. Concerning βουλαὶ γερόντων, see Eurip. *Melanipp.* fr. 23. 'Quod senior loquitur, omnes consilium putant,' says Publius Syrus, v. 672. Ancienneté a autorité, is a French proverb in Leroux de Lincy, tom. ii. p. 173. Compare Cicero *de Senect.* c. 6 and 17. Apex senectutis est auctoritas . . . habet senectus, honorata præsertim, tantam auctoritatem, ut ea pluris sit, quam omnes adolescentiæ voluptates. Wisdom in council belongs to age and experience, according to Hobbes, *Leviathan*, II. c. 25, p. 247. 'If the comparison do stand between man and man, which shall hearken unto other; sith the aged for the most part are best experienced, least subject to rash and unadvised passions, it hath been ever judged reasonable that their sentence in matter of counsel should be better trusted, and more relied upon than other men's. . . Sharp and subtle discourses of wit procure many times very great applause, but being laid in the balance with that which the habit of sound experience plainly delivereth, they are overweighed.'—Hooker, *Eccl. Pol.* b. v. c. 7, § 1.

[3] Young men understand geometry, &c., but are not wise or prudent, because wisdom is concerned about particulars, which are derived from experience, and for experience a lapse of time is requisite.—Aristot. *Eth. Nic.* vi. 9. Compare I. 1, where he says that a young man is not able to understand social science, for it relates to human life and conduct, of which he is inexperienced. In *Rhet.* II. 12, § 14, he says that young men always violate the maxim, μηδὲν ἄγαν—ne quid nimis. They love in excess, and hate in excess, and do everything in excess. For the same reason,

may be to themselves to cultivate a habit of independent and conscientious judgment.

Persons who have formed habits of independent thought and examination likewise generally subject themselves to the same reproach—inasmuch as they often attach an undue weight to a chain of reasoning which they have gone through in their own minds, as compared with the opinions of persons who appear to be entitled, by their experience, to pronounce authoritatively on the subject. It is no easy matter to define the point where presumption, arrogance, and obstinacy end, and where firmness, resolution, and proper self-reliance begin. It is difficult, again, to discriminate between teachableness, humility, and reverence for high authorities, and a tame and passive submission of the understanding.

Universally, indeed, it may be said, that no person ought to express a confident opinion upon speculative grounds, until he has ascertained, by careful investigation, the unsoundness of the reasons for a different opinion, held by practical and experienced men. If, however, after a due examination, he differs from their conclusion, he cannot, even if he be wrong, justly be taxed with arrogance. To persist in error after proper inquiry and reflection, is not presumptuous, although it may imply *other* moral or intellectual defects.[1]

§ 3. Undoubtedly, it is to be desired that a man should be able to judge for himself; and he ought to avoid any undue reliance on the authority of others. The general soundness of opinions will be promoted by the prevalence of a free exercise of private judgment, in cases where the means of arriving at a correct conclusion exist. But in a large number of subjects, and in multitudes of practical questions, an independent judgment is impossible, or inexpedient; and a great part of practical wisdom consists in the judicious selection of authorities, and in a steady

they think they know everything, and assert it with confidence. Hence the precept of Cicero: Est igitur adolescentis majores natu vereri, exque his deligere optimos et probatissimos, quorum consilio atque auctoritate nitatur. Ineuntis autem ætatis inscitia senum constituenda et regenda prudentia est.—*De Off.* I. 34.

[1] On the want of humility charged to the Puritans, see some remarks of Dr. Arnold, *Lectures on Modern History*, pp. 209–10. 'The excellence of veneration (he says) consists purely in its being fixed upon a worthy object; when felt indiscriminately, it is idolatry or insanity. To tax anyone, therefore, with want of reverence because he pays no respect to what we venerate, is either irrelevant, or is a mere confusion.'—p. 210.

reliance upon their opinion. 'That man,' (says Hesiod,[1] in some celebrated verses, which acquired in antiquity almost an oracular authority,)—'that man is the most excellent, who can always think for himself. He, too, is a good man who will take sound advice from others. But he who can neither think for himself, nor will listen to the sound advice of others, is a worthless man.' If a person has not the capacity, or time, or means, requisite for forming an independent judgment on any question, speculative or practical, his first endeavour ought to be, to select as his guides those who are most likely to have judged correctly for themselves, or to give him safe advice. If, as Hesiod says, he can neither form a correct opinion for himself, nor select as his guides such persons as are likely to judge soundly on the matter, his conclusion cannot but be erroneous.

With respect to decisions having an immediate bearing upon practice, every man of sense and prudence will, in a large number of cases, defer to the opinion of others. On legal questions, he will consult a lawyer; on medical questions, a physician; on pecuniary questions, a banker, a broker, or a land-agent; on the education of his children, a person engaged in tuition; on the management of his garden, a horticulturist; on the building of his house, an architect—and so on. The advantage of taking professional advice in practical questions, requiring special knowledge and experience, is attested by the universal habit of resorting to it, where the means of payment exist; and also by such proverbs as, 'He who is his own lawyer has a fool for a client.'[2]

§ 4. The practical convenience which results from the power of consulting a class of persons who make a particular subject their especial study and the business of their life, is also shown by the

[1] *Op. et Di.* 291. Compare Herod. vii. 16; and Soph. *Antig.* 719-23. 'Sapientissimum esse dicunt eum cui quod ópus sit ipsi veniat in mentem; proxime accedere illum, qui alterius bene inventis obtemperet.'—Cicero, *Cluent.* c. 31. 'Sæpe ego audivi, milites, eum primum esse virum, qui ipse consulat quid in rem sit; secundum eum qui bene monenti obediat: qui nec ipse consulere, nec alteri parere sciat, eum extremi ingenii esse.'—Livy, xxii. 29.

[2] Men obey willingly a person whom they consider wiser than themselves. For example, the sick are anxious to call in a physician to prescribe for them, and those in a ship gladly obey the steersman; and travellers are reluctant to be left by those who know the ways better than themselves.—Xen. *Cyrop.* I. 6, § 21.

'Aussi le nouveau Consul parut-il avoir sur toutes choses, ou une opinion faite, ou une opinion qui se faisait avec la rapidité de l'éclair, surtout après avoir entendu les hommes spéciaux, qui étaient les seuls qu'il écoutât, et uniquement sur l'objet qui concernait leur spécialité.'—*Of Bonaparte*, Thiers, *Hist. du Consulat et de l'Empire*, liv. i. (tom. i. p. 25.)

further subdivision of labour which takes place within a profession. Additional accuracy and skill is produced by an exclusive attention to a certain sub-department of a subject. Thus, in England, the medical profession is divided into physicians, surgeons, apothecaries, accoucheurs, oculists, aurists, dentists; the legal profession is divided into barristers practising in the common law courts, those practising in the courts of equity, conveyancers, special pleaders; attorneys and solicitors. Similar subdivisions of labour take place in other branches of practice as civilisation advances, and the means of remunerating skilled advice increase.

In disputed questions before courts of justice, involving professional or scientific knowledge, persons having the requisite acquirements are often called as witnesses, not as to the matter of fact, but to guide the court by their opinion. Thus, in questions of violent death by drowning, wounds, poisoning, or other means, medical men are examined; in cases of value of property, surveyors; and in various branches of trade, the persons belonging to each. Witnesses of this sort are called by the Italians *periti*, and by the French *experts;* there is no appropriate name for them in our law, but the practice equally prevails.[1]

The judgment of professional men, generally, is respected, as compared with unprofessional men, on their own subject. But, as compared with one another, the opinion of some professional men carries weight in the profession, and of others does not. Thus, in the legal profession, there are certain text-writers and eminent judges and jurists, to whose opinion the practising members of the bar would generally defer, and whose dicta they would cite in argument, as carrying authority;[2] and in other professions, such

[1] Cicero, in enumerating the circumstances which give authority to testimony, places first, virtus, and afterwards, ingenium, opes, ætas, fortuna, ars, usus, necessitas, and sometimes concursio rerum fortuitarum. With regard to the latter of these, he says—'Sed reliquis quoque rebus, quamquam in iis nulla species virtutis est, tamen interdum confirmatur fides, si aut ars quædam adhibetur, (magna enim est vis ad persuadendum scientiæ,) aut usus; plerumque enim creditur iis qui experti sunt.'—*Topica*, c. 19.

[2] 'Lorsque les auteurs se contrarient, ce n'est pas toujours l'opinion du plus grand nombre qu'il convient d'adopter. Les opinions, en pareil cas, s'apprécient et ne se comptent pas. Il peut se faire qu'un seul ait raison, pendant que dix autres auront erré. C'est alors, qu'aidé du savoir et de l'érudition, l'esprit peut montrer tout ce que peut la sagacité et la justesse du raisonnement; mais lorsque les auteurs sont unanimes, il faut être bien sûr de ses talens, pour se flatter qu'on fera juger contre leur sentiment. Leurs suffrages accumulés font comme un contrepoids qui l'emporte nécessairement.'—MERLIN, *Répertoire de Jurisprudence*, Art. *Autorité*. § 7 (*of Opinions of Text-writers.*)

as the military, naval, medical, &c., a similar pre-eminence would be conceded to certain persons by the general agreement of practical men.

The advantage of taking professional advice, on certain classes of practical subjects, is so generally recognised as not to require proof. When cases of this sort arise, every man who is *inops consilii* feels his own helplessness, and flies for advice to a person who has knowledge and experience in the matter. But many persons, in taking professional advice, forget that, by so doing, they virtually surrender their own independent judgment; and instead of observing faithfully the course prescribed to them, pursue a track compounded out of the advice of the professional man and their own notions. Such a proceeding as this can, however, rarely lead to a good result, and is always contrary to the dictates of reason. The discretion of the layman—the ἰδιώτης—is to be exercised in the choice of the professional man whom he consults; but having made his choice, he should give his confidence to his adviser, and follow the rules prescribed for his guidance. And if his choice has been carefully made, he should not (unless an urgent case may render a different course expedient) be ready to withdraw his confidence, and try a new adviser, even if the results of the advice should appear at first sight unsatisfactory, and should not correspond to the hopes which he originally entertained. It is particularly in the choice of a medical adviser, that the levity of judgment which induces the trial of successive persons is observable. Patients labouring under incurable or chronic maladies expect a rapid cure; and if this impossibility is not accomplished, they change their physician. On the other hand, it would be absurd to say that, where there has been a manifest error of judgment, or want of success in the treatment of a medical case, the patient should never resort to fresh advice. Perhaps one of the best practical rules is this: that where a medical man proves on trial to have taken an erroneous view of a case, and does not perform what he undertook at the commencement, a change of advisers should be tried; but that his treatment should not be condemned, until his own promises and predictions can be compared with the event.[1]

[1] Lord Bacon gives the following precepts respecting the choice of a physician:—'Physicians are, some of them, so pleasing and conformable to the humour of the patient, as they press not the true cure of the disease; and some other are so regular in proceeding according to art for the disease, as they respect not sufficiently the condition of the patient. Take one of a middle temper, or, if it may not be found in one man,

§ 5. Much discretion is requisite in the selection of advisers in professional and other matters requiring special qualifications, and in turning their advice to good account. When we see one man almost always selecting good advisers, and acting on good advice, and when we see another man always selecting bad advisers, and acting on bad advice, we may be sure that this difference is not owing to accident. There is sometimes as much practical wisdom in choosing good counsellors as in judging for one's self. The marks of a trustworthy guide in matters of practice are, indeed, (as we have shown in a previous chapter,) tolerably distinct; but in the application of these, there is ample scope for the exercise of a discreet judgment. Hobbes, it must be admitted, exaggerates the difficulty of this choice when he says, that we cannot safely select an adviser, without being able to judge of the soundness of his rules. 'To know (he says) who knows the rules almost of any art is a great degree of the knowledge of the same art; because no man can be assured of the truth of another's rules, but he that is first taught to understand them.'[1] By pursuing the indications of a trustworthy adviser, which we have formerly adverted to, a selection may unquestionably be made with less labour than would be requisite for forming an independent judgment upon the rules of the art. The authentication of practitioners by diplomas, and by other marks of public sanction, likewise serves as a guide to the unprofessional person.[2] Nevertheless, the discrimination between sound and unsound counsellors, implies attentive thought and inquiry. Good advice, too, when given, does not always thrive in foolish hands. It is often misapplied, or misunderstood, or neglected. It is like good tools in the hands of an artisan; though indispensable in itself, it cannot be used without skill.

§ 6. There is, or at least has been, much popular prejudice against the learned professions; and this feeling has been fomented by satirists and writers of comedy, who have ridiculed their weaknesses and failings, such as their pedantry and their groundless pretensions to science. It is thought that, as lawyers and

combine two of either sort; and forget not to call as well the best acquainted with your body, as the best reputed of for his faculty.'—*Essay* XXX., *on Regimen of Health.*

[1] *Leviathan*, part ii. c. 30, p. 339. Cicero says nearly to the same effect—'Quod dicunt omnia se credere ei quem judicent fuisse sapientem; probarem si id ipsum rudes et indocti judicare potuissent. Statuere enim qui sit sapiens, vel maxime videtur esse sapientis.'—*Acad. Prior.* II. 3.

[2] See further, on this subject, Chapter IX. § 17.

physicians live upon the follies, the quarrels, and the diseases of mankind, they have an interest in augmenting the pabulum on which they subsist.' But the truth is, that the legitimate and recognised end of these professions is to provide preventives and remedies for the ills to which human nature and human society are subject. The ills are inevitable; but they can be mitigated by prudence and good management. Now this mitigation is what professional advice undertakes to provide, and, in fact, to a great extent does provide.[1] It is not to be expected that all the members of a large profession should be morally perfect, or that there should not be cases in which their advice is prompted by an interested motive. But that the public is, on the whole, essentially benefited by the advice of professional men is apparent from the earnest and universal désire to obtain their services, and from the pecuniary sacrifices made for the purpose of obtaining them. According to the Italian proverb—

> Quei consigli son prezzati,
> Che son chiesti e ben pagati.

A similar inference may be drawn from the provision made by governments for the gratuitous supply of professional advice, where it cannot be procured without charitable assistance. In almost all countries, medical attendance is provided in this manner for the poor, to a greater or less extent; and, in certain cases, advocates are furnished at the public expense to enable poor litigants to recover their rights.

§ 7. A custom similar to that of professional advice is adverted to by Bacon, as having existed among the Romans. Speaking of the Wisdom of Business—that is, of the discreet management of private affairs, he remarks as follows:—'Of this wisdom, it seemeth some of the ancient Romans, in the sagest and wisest times, were professors; for Cicero reporteth that it was then in use for senators that had name and opinion for general wise men, as Coruncanius, Curius, Lælius, and many others, to walk at certain hours in the place, and to give audience to those that would use their advice; and that the particular citizens would resort unto them, and consult with them of the marriage of a daughter, or of the employing of a son, or of a purchase, or bargain, or of an accusation, and every other occasion incident to man's life. So as there is a

[1] 'Légistes, docteurs, médecins, quelle chûte pour vous, si nous pouvions tous nous donner le mot de devenir sages!'—La Bruyère, c. 12. But until this change is effected, it is fortunate that there should be a substitute for individual wisdom.

wisdom of counsel and advice even in private causes, arising out of an universal insight into the affairs of the world; which is used, indeed, upon particular causes propounded, but is gathered by general observation of causes of like nature.'[1]

The system of *auricular confession* and the direction of consciences, as practised in the Church of Rome, is founded on a theory similar to that on which the custom of professional consultations rests.[2] The confessor may be considered as a vicarious conscience, in like manner as professional advice is vicarious prudence. If the penitent makes a full and true confession, the confessor or spiritual director pronounces or advises with a complete knowledge of the circumstances of the case, probably with a knowledge of the penitent's character and position, and always with the impartiality of a judge—free from personal concern in the matter, and unbiassed by passion or interest. Seeing how blind and partial a judge each man is in his own case, and how unconsciously the moral judgment with respect to our own actions is perverted by the inclinations, it cannot be doubted that such a counsellor, in ambiguous cases of conduct, such a *ductor dubitantium*, would be generally beneficial, if the moral code which he administers was well framed, and if his opinion or advice was always honest and enlightened. Unfortunately, however, it happens, that the system of moral rules which guides the discretion of the Catholic confessor is founded on a narrow-minded and somewhat superstitious theology, so far as it proceeds upon the distinctive tenets of the Church of Rome; and that the desire of domestic dictation, and of regulating the affairs of families,[3] so natural in an unmarried clergy, gives too often an improper bias to the influence of the spiritual director. The theory is alluring, but the practice disappoints the expectation. The only admissible substitute for self-judgment, in domestic affairs and questions of

[1] *Adv. of Learning*, vol. ii. p. 260. Compare Cic. *de Orat.* III. 33, 34.

[2] See Malebranche, *Recherche de la Vérité*, ecl. 13, sur liv. iii. *upon the Consultation of Physicians and Confessors.*

[3] 'Je vois bien que le goût qu'il-y-a à devenir le dépositaire du secret des familles, à se rendre nécessaire pour les réconciliations, à procurer des commissions ou à placer des domestiques, à trouver toutes les portes ouvertes dans les maisons des grands, à manger souvent à de bonnes tables, à se promener en carrosse dans une grande ville, et à faire de délicieuses retraites à la campagne, à voir plusieurs personnes de nom et de distinction s'intéresser à sa vie et à sa santé, et à ménager pour les autres et pour soi-même tous les intérêts humains; je vois bien, encore une fois, que cela seul a fait imaginer le spécieux et irrépréhensible prétexte du soin des ames, et semé dans le monde cette pépinière intarissable de directeurs.'—La Bruyère, *Caractères*, ch. 3.

private conduct, is the advice of relations and trustworthy friends.[1] To these a person can with safety and propriety unbosom himself, and from them he will receive the best advice which, under such circumstances, he can obtain.

It may be here remarked, that an unjust prejudice has not unfrequently been raised in Protestant countries against the treatises which are prepared for the use of confessors in the Church of Rome. When confession, and the judgment of the confessor upon sins confessed, exists as an institution of the church, the office of the priest becomes judicial, and it is necessary, in order to prevent erroneous decisions, and to preserve consistency, that a system of rules should be laid down for the general guidance of his discretion. The more difficult and doubtful of the cases likely to come before the confessor have been discussed separately, and have given rise to the branch of practical divinity called *casuistry*.[2] Casuistry is the jurisprudence of theology; it is a digest of the moral and religious maxims to be observed by the priest, in advising or deciding upon questions which come before him in confession, and in assigning the amount of penance due to each sin. As confession discloses the most secret thoughts and acts of the penitent, and as nothing, however impure, is concealed from the confessor, it is necessary that he should be furnished with a manual in which these subjects are discussed. Now such a manual, if properly considered, is not more justly obnoxious to the charge of gratuitous indecency, than a legal or medical treatise, in which similar subjects are expounded without any reserve of language. The necessity for treating the subject in this manner, and the danger of suggesting what it is intended to discourage, may be reasons against the practice of confession; but if the expediency of this practice is once admitted, the rest follows by a necessary consequence.

§ 8. One important part of the practical dealings of life consists in the purchase of such articles as each person requires

[1] 'Plurimum in amicitiâ amicorum bene suadentium valeat auctoritas: eaque adhibeatur ad monendum non modo aperte, sed etiam acriter, si res postulet.'—CICERO *de Amic.* c. 13. 'Monere et moneri proprium est veræ amicitiæ: et alterum libere facere, non aspere; alterum patienter accipere, non repugnanter.'—*Ib.* c. 25.

[2] For the history of casuistry, see the Art. *Casuistik* in Ersch and Gruber's *Encyclopädie*, vol. xxi. p. 117. Casuistical theology was not abandoned by the Protestant churches till a considerable time after the Reformation; and several casuistical treatises were written by Protestant divines. Compare Hallam, *Lit. of Europe*, vol. III. c. 4, §§ 1–20.

for the use and consumption of himself and his family. If he is capable of judging for himself as to the quality and value of the goods which he purchases, he will thus avoid imposition. If he is not, he will (unless he calls in the advice of some competent judge) either be imposed upon, or he must pay what Mr. Babbage has called the Price of Verification.[1] That is to say, he must deal only at shops whose honesty can be safely relied upon, and which, inasmuch as they take the trouble to verify their own goods, and guarantee the quality of them, charge an additional sum for this trouble and responsibility. The additional payment is a species of insurance against fraud and mistake. A shop of this sort may be considered *a shop of authority*: the knowledge of its managers as to their trade, and their integrity, render it probable that their articles are of excellent quality, and induce the customer to pay an additional price on this account. Wanting the requisite knowledge himself, he is willing to pay a certain sum for authenticating the quality of the article which he buys. For example; a person ignorant of jewels would give an additional sum in purchasing them from a jeweller of established character and reputation, lest, if he bought them of an unknown dealer, he might be cheated by the substitution of paste or glass for genuine stones. On the other hand, a person possessing this knowledge might rely on his own judgment, and spare himself the cost of throwing on others the task of verification. In like manner, a bookseller, by making a careful and judicious selection of the books which he publishes, might create so much confidence in the goodness of his publications, as to enable him to charge an extra price for them.

In some cases, the determination of value is so laborious and difficult a process, that it has given rise to a separate class of professional men, as land-valuers, surveyors, appraisers, &c. In these valuations, the price of verification is not a small percentage, confounded with the price of the article, but it is of sufficient importance to stand apart, and form a substantive item.

§ 9. Besides professional advice, there is another species of advice not less important, which is given with the grounds assigned, but in which the practical conviction is generally produced by a mixture of reasoning and authority. This is advice given in joint deliberation and consultation, or debate.

[1] *Economy of Machinery and Manufactures*, c. 14.

Deliberation is concerning a future practical conclusion; it is an inquiry concerning a course of action to be adopted, in a matter undetermined and uncertain, but believed to be within the power of those whose conviction the adviser seeks to influence. It consists sometimes in recommending, sometimes in dissuading, a certain course, and occasionally in a mere statement and examination of different courses. In oral deliberation, the end is attained by reaching the conviction of the hearer through his understanding or feelings; and a statement of reasons for the course indicated, or of incentives to it, is presented to his mind. On the other hand, in the cases of professional consultation noticed above, the advice is in general given absolutely, without reason assigned. Sometimes the reasons of professional advisers are even intentionally concealed, lest they should deter the ignorant or timid consulter from following the advice; as is usually the case in the practice of physicians. Professional advice is followed, as such, blindly, and without any comprehension of its grounds, upon the mere authority of the adviser, just as a stranger follows the advice of a native as to the choice between roads, in a country with which he is unacquainted.

Deliberation takes place, in particular, on the most important practical conclusions of public interest, as it is with respect to these that men most distrust their own judgment. Thus, there are deliberations of legally-constituted bodies, as councils of state, parliaments, courts of justice, municipal bodies, and synods of divines; in free countries, also, many questions of general or local concern are deliberated upon in voluntary meetings and associations. In all organised political bodies, which have a corporate action, and a common place of meeting, and which decide by a majority of votes, the business is transacted by a joint deliberation and consultation of the members.[1] Deliberation may likewise take place among professional advisers, or friends of the parties, upon private affairs.

Deliberation or consultation always has a practical end in view, and never mere speculative truth. We may *discuss* scientific truths, but we do not *deliberate* or *consult* about them. This distinction may be illustrated by comparing a philosophical dialogue with a parliamentary debate. If a scientific society discuss a question of astronomy, geology, or natural history, they do not deliberate; but they may deliberate about the management

[1] On this subject, see further, Chapter VII. § 12.

of their funds, or the appointment of their officers. The exercitations of a rhetorical school, or the discussions of a debating society, are not deliberations.[1]

As discussion about abstract truths differs from deliberation or consultation about practical conclusions, so the qualities requisite for producing conviction differ in the two cases. In the former, mere intellect suffices; a peculiar faculty for observation of facts, or for inductive or deductive reasoning from them, will alone render a man fit for discussing questions of pure science, without reference to his moral qualities or character. But in joint deliberation it is otherwise. In order that a man should convince in deliberation, he ought not merely to be able and experienced, but also honest; and, moreover, the audience ought to feel that he is not indifferent to the welfare of the persons whom the decision is to affect, but that he has their interest at heart. By exhibiting these qualifications, he will acquire a weight and ascendancy in their counsels, and his advice will be adopted, partly on account of the reasons which he addresses to them, and partly on account of the authority which his opinion carries by itself. The amount of the confidence which his audience, or a large portion of it, may place in his opinion, independently of his reasons, is governed by a vast variety of circumstances, which it is impossible to enumerate, or bring under a general description. They are, in fact, as numerous and different as those which enable us to form an estimate of a man's moral and intellectual worth. For example, with respect to the various reasons which may induce a council of state to place confidence in the advice of a particular minister,

[1] The subject of deliberation (*βούλευσις*) was carefully considered by Aristotle, to whom many of the remarks in the text are due. See *Eth. Nic.* iii. 5; vi. 8, 10; *Magn. Mor.* i. 17, 18; *Eth. Eud.* ii. 10; and *Rhet.* i. 3; and compare Quintilian, *Inst. Or.* iii. 8. Concerning the ends of deliberation in political matters, see Grotius, *J. B. et P.* II. 24. § 5.

Deliberation, strictly speaking, may be confined to a single person; it may signify the reflections of an individual upon the future practical conduct of himself or others. Thus, in the fine verses of Milton, applied by Sir J. Mackintosh to Mr. Pitt—

Deep on his front engraven
Deliberation sat, and public care.

In the text, however, I have used deliberation exclusively with reference to oral deliberation in the presence of other persons. It is in this sense that we speak of deliberative oratory, a deliberative assembly, &c.

Hobbes, *Leviathan*, part I. c. 6, following Vossius, says that deliberation is so called, 'because it is a putting an end to the *liberty* we had of doing or omitting, according to our own appetite or aversion.' But the word seems, in fact, to be derived from *libra*, a balance, and to signify *weighing in the mind.*

a council of war to place confidence in the advice of a particular general, a legislative assembly to place confidence in the advice of a particular member, as such, independently of his reasons,—it can only be said, that their confidence is owing to their belief, founded on antecedent events, that his judgment is likely to be sound, and disposition honest.[1]

Addresses to a court of justice or a judicial body, by a paid advocate, although they tend to a practical conclusion, do not fall under the head of deliberative oratory. The advice is not given upon the personal credit and authority of the speaker, nor is he understood to speak his own convictions, but merely to follow his instructions, and to present the facts of the case and the application of the law to it, in the light most favourable to his client. Hence, a paid advocate speaks without moral weight, and his arguments merely pass at their intrinsic value, without deriving any additional force from the source from which they proceed. Whenever a lawyer, in pleading a case, attempts to strengthen it by throwing in the weight of his personal conviction and character, he exceeds his proper province; he attempts to gain an advantage in argument, without, in fact, undertaking the responsibility which his assurance ought to imply, and, in so doing, he violates the principles upon which the very beneficial system of hired advocacy is founded.

§ 10. In all deliberations, we seek to determine the best mode of dealing with some practical question, which is as yet undecided, and, therefore, our consultation, as has been already remarked, concerns the future. Now it is the uncertainty of the future which is the main cause of the difficulty of judgment in practical decisions; and, hence, in the cases where the future events are the most uncertain, and the least reducible to laws of regular sequence, we are most disposed to rely upon the advice of sagacious and honest counsellors—of persons whose foresight and clearness of mental vision has been proved by experience.

[1] On the importance of moral character in deliberative oratory, see Aristot. *Rhet.* ii. 1, § 3. In § 5, he enumerates the qualities which the deliberative orator ought to possess—viz., virtue, wisdom, and good inclination towards his audience. So Quintilian: 'Valet in consiliis auctoritas plurimum. Nam et prudentissimus esse haberique, et optimus is debet, qui sententiæ suæ de utilibus atque honestis credere omnes velit. In judiciis enim vulgo fas habetur indulgere aliquid studio suo: consilia nemo est qui neget secundum mores dari.'—*Inst. Orat.* iii. 8, § 12. See also Whately's *Rhetoric*, part II. ch. 3, §§ 4, 5. As to the qualifications of a good counsellor, see Hobbes, *Lev.* part II. c. 25.

The subject of prediction is too extensive to be considered here at length; besides, it belongs generally to the province of logic and scientific method, and specially to the respective sciences and arts conversant about each branch of knowledge and practice. A few remarks may, however, properly be introduced, with reference principally to the peculiar difficulty of prediction which is supposed to be inherent in the moral sciences.

In some departments of physical science, not merely hypothetical but actual problems consist of so few, so simple, and so well ascertained elements, that their solution can be completely effected. Whenever the data are the whole set of actual circumstances, and the problem admits of solution, the future can be predetermined with certainty, and all the sequences of the phenomena exhausted by a preliminary view. This is eminently the case with the science of astronomy, which has now been brought to such a pitch of perfection that all the important events relating to the motions of the solar system can be predicted with unerring precision. In consequence of the movement of these bodies being round a centre, the events of astronomy, and those dependent upon them, such as the course of the seasons, and the inequality of day and night on the earth, recur in constant cycles. In other departments of physics, also, the data of real problems can be reduced to so great simplicity, that future events, though not recurring in cycles, can be determined beforehand with a close approach to certainty. Thus, (with a small margin of allowance for the operation of those causes which we are compelled to group together under the name of chance,) we can predetermine the growth of a plant; being able, from a knowledge of its habits, to suit our management to its nature. So, the elementary facts upon which the sciences of mechanics and chemistry are founded are completely within our grasp, and we can command them for the future, from our experience of the past. The experiments relating to the lever, the inclined plane, the wheel, and the pendulum, as well as those relating to the composition of water, gases, &c., can all be repeated at pleasure. So, our knowledge of the laws of optics is not only sufficient to enable us to foretell the principal phenomena of light, but also, by the help of this knowledge, to construct telescopes, microscopes, and other optical instruments.

Extensive, however, as our command over nature has become, and wide as is the domain of the useful arts, still every fresh in-

vention, whether mechanical or chemical, is of uncertain success until it has been verified by actual trial and experiment. It is almost as difficult to predict the working of a new machine, as of a new law or social institution. When the problem is simple, calculation can master it; but when the elements are numerous and complex, and when we are not sure that all the influencing circumstances are included, the result is uncertain, and requires verification by experiment, in physics as well as politics. The ablest writers on the physical sciences, however they may differ in many of their philosophical views, agree, indeed, in trying the soundness and value of a scientific theory, by its power of predicting the future. Thus, Dr. Whewell says that 'it is a test of true theories, not only to account for, but to predict phenomena.'[1] M. Comte, in his *Cours de Philosophie Positive*, lays it down repeatedly, that prediction is the proper end of all science. Science, he says, proceeds on the assumption of the recurrence of phenomena in an invariable sequence; and, if this sequence has once been determined completely for the past, the determination will hold good for the future. What distinguishes science from mere erudition or learning is, that the former aims at prevision, whereas the latter relates facts without reference to the future. Science leads to prediction, and prediction to action.[2]

Such, undoubtedly, is the goal which science strives to reach, but, in a large proportion of cases, its effort is unsuccessful. Every science attempts to predict, but its predictions are often mere approximations to the truth. A theory which has attained a high degree of perfection may, nevertheless, when it comes to be applied in practice, be under the necessity of dealing with so many data, that it may be unable to cope with the problem, and may furnish imperfect, and even inconsistent, predictions in the hands of different theorists. Notwithstanding the advanced state of mechanical theory, we know that engineers differ widely in their plans for constructions, machines, and other practical works, and that there are practical problems which mechanical science cannot effectually solve.

Such are the limits upon prediction, even in those physical sciences which have reached a high degree of theoretical perfection. But there are other departments of physics in which observation

[1] *Aph.* 12, concerning Science. *Phil. of the Ind. Sciences*, vol. i. p. xxxix.

[2] See tom. i. pp. 62, 63; tom. ii. pp. 28, 401, 426, 428; tom. iii. pp. 10, 304, 407, 413; tom. vi. p. 723.

is more difficult, in which many of the phenomena elude our powers of investigation, and whose theory, therefore, is not better ascertained than that of the moral sciences. Such, for example, is meteorology, which has for its subject the successive states of the earth's atmosphere, and of the vapours, moisture, &c., which it contains. The climate of each place can be reduced to certain laws, and the deviations from these can be brought within assignable limits, so as to guide the works of the farmer and gardener; but the temperature of any place, and the nature of the weather on any given day, cannot be predicted with any approach to precision. An equal uncertainty besets the science of medicine. The functions of the living body, which physiology undertakes to describe, are in great part, so long as they are in action, withdrawn from the observation of the senses, and are not, like our mental processes, the subject of consciousness. These functions, therefore, even while the organs are in a healthy state, to a great extent defy our powers of observation; when they assume a morbid action, the diagnostics of the disease are often obscure and ambiguous; and even supposing the nature and seat of the malady to be accurately determined, there is further uncertainty as to the mode of treating it—as to the influence of medicines, regimen, &c., upon the organs affected. Hence, the most experienced physicians are often unable to detect the source of a malady, to foretell its course, or to judge as to the effect of a complex set of influences acting on the human body. Still less are they in general able to determine the laws for the diffusion of an epidemic disease—to predict the course which it will take, or the time for which it will last. Although the average value of human life at successive ages can be approximatively calculated, yet it cannot be predicted with certainty how long any given person will live; and it is only by a compensation of errors that companies for life-insurances can subsist.

In practical questions, lying within the scope of the moral and political sciences, prediction is always peculiarly difficult, partly on account of the immense number of influencing circumstances which it is necessary to take into consideration, and partly on account of the uncertainty which belongs to all events dependent on human volition. Not only do moral and political problems consist, in general, of more numerous and complex data than those which grow out of the physical sciences, but the matter to which they refer is different. The matter of a physical problem is either

insentient, and follows an invariable and mechanical law of sequence; or, where it concerns animal and vegetable life, it deals only with a living organisation, destitute of the power of free moral volition and progressive intelligence. The matter of a moral and political problem, when it concerns practice, is always the human will; and though the general tendencies of human nature can be determined, so that it is properly a subject of science,[1] yet the operation of peculiar feelings, fancies, wishes, caprices, and inclinations, in individuals, and their influence upon others, are uncertain and incalculable.

When a physical problem has been once solved, it is solved for ever. The theorems of Archimedes upon the lever, and the observations of Aristotle upon animals, retain their truth, unaffected by the lapse of ages. If the habits of bees, which Virgil describes in his fourth Georgic, had been true of the Italian bees in his own time, they would be true of bees at the present time. But bees, though a gregarious and (as they have been called) a political, are not a progressive animal. Man alone, among organised beings, possesses the moral and intellectual qualities which render one generation of human beings unlike another, and which enable him to alter his own condition and that of others by self-culture. Hence he alone, of all living beings, possesses a history; other tribes of animals are described by enumerating all the properties of their species or kind, and when this task has been completely accomplished, the problem is exhausted, except so far as varieties may be produced by domestication. One generation of elephants, or monkeys, or lions, has nothing to distinguish it from another. But man, in addition to that physiological character which he has in common with other animals, and which, like *their* physical type, is unvarying, has also attributes which distinguish one community of men from another—and, again, one generation of the same community from another generation. It is the sum of the acts of a society, as they occur in succession, which constitutes its history, and distinguishes its state, not only from that of other societies, but also from its own states, both anterior and subsequent.

With respect to the determination of the future in human affairs, there are two cases, which, though they do not admit of being very precisely distinguished from each other, yet require to be considered separately.

[1] See Mill's *System of Logic*, b. VI. c. 3.

The first is, when, from a view of all those circumstances which, taken in the aggregate, constitute the actual state of any society, we predict its state at some definite future period. Although a philosophical survey of the course of history may lead to certain general results as to the progress of society, and the order in which certain political and social changes may be expected to follow one another, yet it is impossible to predict a future social state with any approach to certainty: [1]

> Prudens futuri temporis exitum
> Caliginosâ nocte premit Deus.

Such anticipations, even of the most sagacious judges, can have scarcely better claim to confidence than the predictions of a weather-almanac. For example, who, in the year 1788, could have predicted the social and political state of France and a large part of Europe at any period of the Revolution, the Consulate, or the Empire? That extensive and profound study of history did not necessarily give an insight into this futurity, is proved by the remark of Gibbon upon the early stages of that great change. 'How many years,' (said he, writing at the end of 1789,[2]) 'before France can recover any vigour, or resume her station among the powers of Europe!' And even if he had then predicted the great development of popular and military energy which ensued in France upon the invasion of the French territory, and the attempts to restore the royal authority, his prediction must have been founded on such uncertain and arbitrarily chosen grounds, as to deserve little more than the name of a guess. Who, in January, 1848, could have predicted the series of events which have occurred on the continent of Europe since that period; and who, if he had happened to conjecture something near the truth, could have ventured to say that his prediction was derived from sure data?

But, secondly, in the practical management of affairs, the problem for our solution presents itself in a less intricate and more tractable shape. We are commonly called upon to predict the effects of some given cause, viz., of some proposed legislative or administrative measure, or of a treaty or war with a foreign country. Predictions of this sort, with respect to the body politic, are analogous to the predictions of the effects of a certain medicine

[1] Upon the meaning of 'a state of society,' and the extent to which it can be predicted, see Mill's *Syst. of Logic*, b. VI. c. 10.

[2] Milman's *Life of Gibbon*, p. 338.

or diet with respect to the body natural. They are also analogous to predictions with respect to the working of a new and untried machine, or instrument. Having been framed by means of inferences from observed and generalised facts, they approximate more or less closely to the truth; but the plan requires a process of verification before its actual working can be securely ascertained.

In human affairs, whether relating to public or private interests, such predictions, (as Mr. Mill has truly remarked [1]) can never be absolute; they must be limited to the affirmation of *tendencies*, and not venture to lay down *positive effects*. In dealing with human actions, we can only presume to say that a certain cause, *if not counteracted*, will produce a certain effect; and that, therefore, its tendency is to produce that effect. But those future miscellaneous causes which we cannot calculate, and which we are forced to set down to the account of chance, are so numerous, as to prevent us from saying that it *will* produce that effect. Even our predictions of tendencies, moreover, in the great majority of cases, can only be made by empirical maxims—by propositions not true universally, but qualified by considerations of time and place. For example, the expediency of a new legislative proposal must be judged by very different criteria in England and in Hindostan. The differences of climate, race, religion, degree of mental and moral culture, political habits and institutions, state of the useful arts, and other determining circumstances, would necessitate the application of different rules of judgment, and different canons of prediction, in the one case, from those applicable in the other.

It may be remarked, that those things which are comprehended under the denomination of *news*—which are collected in newspapers, and circulated in this shape, for the information of the public—belong in general to the class of events to which our powers of prediction apply either imperfectly, or not at all. Sometimes a newspaper may describe the appearances of an eclipse, or other remarkable celestial phenomenon, which astronomers have foreseen; but no newspaper informs its readers of the course of the seasons, the succession of day and night, the rising and setting of the stars, or the alternation of the tides. Storms, hurricanes, earthquakes, volcanic eruptions, and other similar incalculable events in the realm of nature, together with the acts and fortunes

[1] *System of Logic*, vol. ii. pp. 523, 565.

of men, both in a political and a private character—battles, revolutions, debates of senates, trials by courts of justice, accidents, crimes, voyages, births, marriages, deaths, &c. compose the intelligence which a newspaper furnishes. The avidity for news is owing to the difficulty or impossibility of foreseeing the events: in proportion as the events are important and unexpected, is our curiosity to learn them.

Even, however, with the assistance of all those means which the admirable inventions of modern science have contrived for the accelerated despatch of intelligence, we are hardly ever, in any complicated case, informed at the moment of decision and action with respect to *all* the contemporaneous events. Circumstances are changing, more or less, at every instant; and we are left to infer the present state of things from their state at a recent period. Hence the necessity, according to the just remark of Turgot, of predicting the present: our belief as to the immediate present must always be founded, to a certain extent, upon conjectures derived from an antecedent period. A general, for example, when he issues his orders successively in a battle, cannot know the state of things, at each moment, so exactly and completely as he may ascertain them after the battle, from the information of different persons and the comparison of their several accounts.

§ 11. Now in the attempt to predetermine the future, with reference to some practical measure, the deliberation of competent judges affords the best security; though we see, especially from the debates of legislative assemblies, to what an extent their judgments and predictions conflict with respect to practical affairs. Do what we will, the future, to a great extent, eludes our grasp, in all matters dependent upon the volitions of other men. Nevertheless, by careful deliberation and the adoption of prudent counsels, and by a rigid adherence to a sound method of observation and reasoning—or by following the advice of persons who themselves adhere to such a method, we can reduce the amount of uncertainty; we can eliminate many elements of chance, and, to a considerable extent, bring the future under our control. From time to time, undoubtedly, great catastrophes occur, which no prudence could have anticipated, and whose consequences, not having been guarded against, must be endured. Such great moral convulsions are like storms and hurricanes in the physical world, which, though doubtless they have their appropriate and constant laws not less than the equable course of the weather, yet defy the

predictions of the meteorologist. But, in the ordinary course of human affairs, the future can, to a great extent, be anticipated for practical purposes; care, prudence, sagacity, practical wisdom, and good counsel, can be recognised by their good fruits; neglect, rashness, folly, shortsightedness, and bad counsel, can be recognised by their bad fruits.

§ 12. In proportion, therefore, as men's conduct in doubtful questions of practice is influenced by reason, they will defer to the opinion of the most competent advisers where their own judgment is at fault. By these means they will, as far as is practicable, subject the future to their control. If they are ignorant and superstitious, they will be impatient of merely human advice, and unwilling to resign themselves to the guidance of a judgment which does not lay claim to infallibility. They then fall into the hands of diviners and soothsayers, who undertake, by supernatural aid, and by some occult method, to prognosticate the future.[1] Hence the prevalence of the arts of divination by auguries, auspices, omens, oracles, dreams, necromancy, evocations of spirits, judicial astrology, cabbala, magic, palmistry, second-sight, &c., which at one time flourished among the civilised nations of Europe,[2] and still exercise a potent sway over the Oriental and savage nations. The desire to penetrate into the future by supernatural means is particularly manifested upon the eve of uncertain events of great moment; hence, in antiquity, diviners always accompanied armies, and were consulted before a battle.

These arts of foretelling the future doubtless, in part, owe their success to the fallacy of attending only to the lucky, and neglecting the unlucky predictions; of counting the hits, and not counting the misses;[3] in part, also, to the use of an obscure and ambiguous phraseology, which can be accommodated to the event however it may turn out.[4] But—granted the desire to know the

[1] See Adelung, *Geschichte der Menschlichen Narrheit*, vol. ii. p. 27.

[2] The belief in divination is ably defended by Q. Cicero, according to the Stoic doctrine, in the first book of Cicero's *Dialogue de Divinatione.*

[3] See Mill, *System of Logic*, b. V. c. iv. § 3. Compare Wachsmuth, *Hellenische Alterthumskunde*, II. ii. p. 270.

[4] See Aristot. *Rhet.* III. v. § 4, where he remarks that diviners do not individualise objects, but describe them by generic terms. Ambiguity and indistinctness are the general characteristics of the ancient oracular prophecies. Compare Cic. *de Divin.* II. 54. It is scarcely necessary to refer to such predictions as Κροῖσος Ἅλυν διαβὰς μεγάλην ἀρχὴν διαλύσει, and 'Aio te Æacida Romanos vincere posse.' See also Adelung, *ut sup.*, on the obscurity of the predictions of Gauricus and Nostradamus, two astrologers of the sixteenth century, vol. ii. p. 261; vol. vii. pp. 125, 135. Compare

future—their chief foundation is a belief in the supernatural character of the source from which they emanate, which induces the consulters of the oracle to resort to any shift for saving its honour, in case its predictions do not prove true.

§ 13. As it is the part of prudence and wisdom to follow, in practical questions, the advice of good counsellors, so is it incumbent on those who assume the office of counsellor to discharge it with a due sense of the moral responsibility which they undertake. In all matters of professional or deliberative advice, the counsellor ought to look exclusively to the benefit of the persons whose interest is in question, and by whom he is consulted. As trust is reposed in his practical judgment,[1] he ought to advise without any view to his own advantage, and upon a full knowledge of the circumstances of the case. It is only by complying with these conditions, and by a consciousness of the binding nature of the obligation which he contracts, that the professional man, in advising his client—or the deliberative counsellor, addressing a council of state or a legislative assembly, can acquire authority for his opinion, independently of his reasons.

§ 14. It would be improper to close this chapter without adverting to the marks of trustworthiness in a historian; inasmuch as his province does not distinctly fall under any of the heads above considered.

Before, however, we attempt to assign the qualifications of the trustworthy historian, it will be necessary first to settle what is his proper province; for the progress of knowledge, the extension of literature, and the increased habit of recording successive changes in the same object, have of late given an enlarged and somewhat indefinite meaning to the term History.

By History, is properly understood a narrative of the acts of a political community, or nation, as represented by its government, and of events important to it in its collective capacity.

The works of the great historians of antiquity—as Thucydides and Tacitus—which have served as the types of history since the revival of letters, describe the Greek and Roman States in action; their wars, negotiations, treaties, intestine tumults, public deliberations, legislation—

vol. iv. p. 212. Some further remarks on this subject will be found in Note A. at the end of the chapter.

[1] It was on account of the importance of this trust, and the obligations growing out of it, that the *sacredness of counsel* was proverbial from an early time among th Greeks, (ἱερὸν ἡ συμβουλή, ZENOB. IV. 40, *cum not.*)

Res gestæ regumque ducumque et tristia bella.

These form the proper subject-matter of history. Geographical and ethnographical descriptions,[1] accounts of the social state of the people, of its wealth, manners, literature, religion, and the like, however interesting and instructive they may be in themselves, cannot be considered as forming strictly an integral part of political history, and ought only to be introduced incidentally, as illustrating the course of the narrative. History is essentially dramatic: it describes a series of actions; and is distinguished from biography in taking for its subject a nation, not an individual.[2] Hence, history has been considered a species of composition peculiarly suited to an orator, because he is able to describe a succession of events with perspicuity and vividness.[3]

An historical narrative, so understood, is usually conceived as following the chronological series of events, and as comprehending a sufficient portion of them to be interesting and instructive. If the number of events be small, or confined to a particular class or subject, the work is considered rather as materials for history than as history itself; and falls into the subordinate category denominated by the French, *Mémoires pour servir à l'histoire.*[4] On the other hand, a history may narrate events connected only by chronological co-existence or sequence, and not linked together by any mutual dependence. In this respect, a history differs

[1] The ancient historians, on account of the defective knowledge of geography then existing, and the total want or comparative scarcity of geographical treatises, were forced to introduce geographical descriptions into their works to a greater extent than modern historians. See Polyb. III. c. 36, 37.

[2] According to the definition in Gellius, *N. A.*, V. 18, history is 'rerum gestarum narratio.' The office of history is to narrate, according to Plin. *Epist.* V. 8. Lucian, *Quom. Hist. sit conscrib.* c. 55, says that with the exception of the proëm or introduction, history is nothing but a *long narration.* The following definitions from modern dictionaries present the same leading idea:—'Storia: Diffusa narrazione di cose seguite.'—*Voc. della Crusca.* 'Histoire: Narration des actions et des choses dignes de mémoire.'—*Dict. de l'Académie.* 'History: A narration of events and facts, delivered with dignity.'—JOHNSON'S *Dict.* 'L'histoire est l'exposition ou la narration, tempérée quant à la forme, et savante quant au fond, liée et suivie des faits et des événemens mémorables les plus propres à nous faire connaître les hommes, les nations, les empires, etc.'—*Dict. des Synonymes de la Langue Française,* ed. Guizot, tom. i. p. 469. All these definitions are wanting in precision; they all, for example, include biography as well as history. The word ἱστορία first occurs, in its modern sense, in the *Poetic* of Aristotle, c. 18; 38, ed. Tyrwhitt.

[3] According to Cicero *de Leg.* I. 2. History is 'opus oratorium maxime.' Compare *De Orat.* II. 12.

[4] According to Bacon, 'memorials' are 'history unfinished,' 'the first or rough draughts of history,' or 'preparatory history.'—*Adv. of Learning,* vol. ii. p. 106.

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(according to the remark of Aristotle [1]) from an epic poem, which must relate to a complete and connected action.

History, again, if it be worthy of the name, ought to be composed with a due regard to impartiality, and with a requisite amount of sobriety and calmness of judgment. Without these attributes, it becomes a mere party pamphlet, or the pleading of an advocate. History, like science, ought to be treated without any view to a practical application, and merely for its own sake. It ought to narrate, and illustrate its narrative by appropriate comments; but to abstain from all precepts.

Such appear to be the essential constituents of our idea of history; and, to a person who writes such a composition, we properly give the appellation of a historian. But the use of the term has been extended beyond these bounds; and almost any narrative describing the successive changes in any object may be called a history. Thus, there are histories of philosophy and literature; of languages; of the mathematical and physical sciences; of the useful and the fine arts; and of particular inventions, as of the printing-press, the steam-engine, &c.; of nautical discovery, commerce, and geography. There may even be histories of the changes in the earth's surface. In political history, the nation and its government, considered as a moral person and agent, is the central point of the narrative: in the other sort of histories, the subject is a science, for example, or an art, or a mechanical invention, round which, as a centre, the narrative turns, and whose successive changes, under the influence of different men and minds, are described. Accordingly, histories of the latter sort belong more properly to the special subjects about which they are concerned, than to the general province of the historian. Thus, a history of languages is the work of a philologist; a history of mathematics is the work of a mathematician; a history of medicine, the work of a physician; a history of the earth, the work of a geologist; political history alone is the work of the historian, properly so called.[2]

[1] *Poet.* c. xxxviii. ed. Tyrwhitt.

[2] See Whewell's *Philosophy of Induction*, b. X. c. i.; Bacon, *Adv. of Learning*, vol. ii. p. 102. The term 'Natural History' may have assisted in extending the application of the word history to the physical sciences, but it had a special and accidental origin, quite unconnected with the latter use of the word. Aristotle's work on Animals was entitled περὶ τῶν ζῴων ἱστορίαι, '*Inquiries (or Researches) concerning Animals*,' which has, in the modern editions, been literally rendered into Latin, as *Naturalis Historia*. The encyclopædiacal work of Pliny, too, was called by the comprehensive

The following remarks, therefore, will be confined to the political historian; leaving the other class of historians to be distributed under the departments of their respective subjects.

A historian, then, as so understood, may, in the first place, be looked upon as a chronicler and recorder of contemporary events, of which he is either a direct and personal witness, or of which he collects the evidence himself from original witnesses.[1]

The original witnesses, from whose information the contemporary historian builds up his narrative, cannot themselves be styled historians, although their materials are necessary for his work. They are, to the historian, what the quarryman and mason are to the architect. A short-hand writer, who reports a parliamentary debate, or the proceedings before a court of justice; a person who procures intelligence for newspapers; a collector of statistical facts, such as those relating to population, public revenue and expenditure, military and naval force, exports and imports, currency, &c.; also heralds and framers of pedigrees; registrars of births, deaths, and marriages, and other civil facts; keepers of judicial records and journals of parliament; compilers of proclamations, laws, charters, deeds, wills, state-papers, treaties, and other authentic documents; copiers of inscriptions and coins;—all belong to that useful class of persons, who prepare the materials out of which the framework of political history is constructed. Such functions do not, indeed, themselves deserve the name of history; but we ought not to forget that it is to these obscure, though important, services that we owe the superior certainty and completeness of modern, as compared with ancient history. Everything in history depends upon the accuracy and fulness of the contemporary records—upon the sufficiency of the means adopted by

title of *Naturalis Historia*, '*A Description* (*or Exposition*) *of Nature*.' On account of the titles of these two celebrated works, the term Natural History has been applied to a scientific description of animals and other natural objects. But (according to a just remark of Mohs, cited by Dr. Whewell, *Hist. of Ind. Sciences*, vol. iii. p. 486), 'Natural history, when systematically treated, rigorously excludes all that is historical, for it classes objects by their permanent and universal qualities.' The essence of history, properly so called, is, that it narrates a series of successive states, all differing from one another. In this sense, the history of a science or an art is properly a history; but not a description of the species of animals, and of their characteristic differences and resemblances.

[1] Gellius, *N. A.*, V. 18, mentions an opinion that historia, as distinguished from annales, is a narrative of events by a contemporary witness: 'Earum proprie rerum sit historia, quibus rebus gerendis interfuerit is qui narret.' He remarks, however, that this limitation was not consistent with the received use of the term.

the original witnesses for perpetuating the memory of the events. Without an authentic memorial derived from the actors in the events, or from contemporary observers, history is a fiction, more or less specious. Without this solid foundation of well-attested fact, it is, at the best, but an historical romance, in which a general probability of manners, institutions, and state of society, is maintained. A faithful registrar of contemporary events is like a painter of portraits or landscapes after nature: the author of fictitious history is like the painter of an ideal history-piece, which may resemble the truth, but does not portray it.

The first approach to contemporary history, properly so called, is the composition of diaries, journals, and personal memoirs; narratives of events in which the writer plays a part himself, or of which he is merely a passive spectator. When these are confined to a particular transaction—as a siege, a battle, the negotiation of a treaty, the deliberations of a synod, the formation or overthrow of a government—they hold, in general, an intermediate place between the materials for history and history itself. When, however, they include a long series of memorable events, affecting the destinies of one or more nations, they rise to the dignity and amplitude of history. As examples of the latter class, it will be sufficient to mention such periodical works as the Annual Register, and other previous publications of the same sort—and such histories as those of Herodotus, Thucydides, Xenophon, Polybius, Sallust, Cæsar, Tacitus, Froissart, Comines, Sleidan, Guicciardini, Thuanus, Sully, Clarendon, Burnet, &c. Works of this sort are valuable as original testimony, and constitute the materials out of which other histories are formed, not less than mere collections of state papers or documents. Their most essential quality, therefore, is veracity, and contemporary historians are mainly to be considered as witnesses and relaters of events. They may have other good qualities besides veracity; they may show discretion in selecting, and skill in arranging facts; their style in narration may be perspicuous and impressive; they may judge events and characters with sagacity and penetration; but it is principally as authentic witnesses and recorders of contemporary facts that they are important.[1] If we did not consider their testimony as true, we

[1] Since the time of Thucydides, (see I. 21, 22.) the essence of history has been made to consist in its veracity. Thus, Cicero says that History is 'testis temporum, lux veritatis, vita memoriæ, magistra vitæ, nuncia vetustatis.'—*De Orat.* II. 9. Again: 'Quis nescit primam esse historiæ legem, ne quid falsi dicere audeat? deinde, ne quid

should pay no regard to their writings. 'It is the true office of history (says Lord Bacon) to represent the events themselves, together with the counsels, and to leave the observations and conclusions thereupon to the liberty and faculty of every man's judgment.'[1]

In order to determine how far a historian of this class is trustworthy, we should apply to him the tests which are used for trying the credibility of testimony. This process may lead only to uncertain results, and there may be, as in evidence before a court of justice, conflicting considerations on the question; but the contemporary historian and annalist is mainly to be regarded as a witness, or a collector of original evidence, and to be estimated as such.

There is, however, another class of historians, who are not themselves witnesses, or the original collectors and reporters of the oral testimony of others. For the most part, they are not contemporary with the events which they describe; and when they are, it is usually as narrators of the history of *foreign* countries, in which case they have to deal with what Madame de Staël called 'contemporary posterity.' These are what may be termed the Learned Historians: who compile history from the recorded testimony of original witnesses, and the contemporary monuments and accounts. Among the Greeks—Ephorus, Timæus, Diodorus, Dionysius, Plutarch, and Arrian: among the Latins—Livy, Cornelius Nepos, and Quintus Curtius; among the moderns—Machiavel, Raleigh, Muratori, Giannone, Mariana, Hume, Robertson, Gibbon, Rollin,

veri non audeat? nequa suspicio gratiæ sit in scribendo? ne qua simultatis? hæc scilicet fundamenta nota sunt omnibus.'—*Ib.* c. 15. So Lucian (*Quom. Hist. sit conscrib.* c. 9.) lays it down that the end of history is utility, which arises from truth alone. The two principal qualifications of a historian (he says) are penetration and judgment in political affairs, and a good style of writing (c. 34); moreover, a historian ought to have had some civil and military experience. Truth is the goddess to whom alone he must sacrifice; and he must be impartial, independent, and incorrupt, so as not to distort facts either from fear or favour, (c. 37–41.) Polybius likewise says, that as an animal is rendered useless by the loss of its sight, so history, without truth, is an idle tale, (I. 14, § 6.) In another place he says, that the end of tragedy is to produce emotion by fiction—the end of history is to convey instruction by truth, (II. 56, § 11.)

Dr. Arnold, in his *Lectures on Modern History*, (lect. viii.,) also lays it down that 'the one great qualification in a historian is an earnest craving after truth, and utter impatience, not of falsehood merely, but of error,' (p. 293.) He adds, that these qualities 'are intellectual as well as moral, and are as incompatible with great feebleness of mind as they are with dishonesty,' (p. 297.)

[1] *Advancement of Learning*, vol. ii. p. 114.

Sismondi, Niebuhr, &c., may serve as examples. Their business consists in collecting and collating the evidence of the original witnesses, either preserved by contemporary writers, or handed down by a faithful oral tradition; in balancing inconsistent or contradictory accounts; in illustrating past events and past states of society by the light of subsequent experience and knowledge; and in tracing the successive steps in which the progress of mankind consists. It is to this class of historians that we principally owe that which is styled philosophical or ætiological history; that is to say, history accompanied with deductions of causes and effects, often extending over long periods of time, and therefore only possible upon a retrospect of past ages. Writers of this class, having no value as witnesses or original reporters of events, seem peculiarly required to comment upon the transactions which they describe; and being, as judges, exempt from the passions and interests of contemporaries, and necessarily free from all personal bias, their comments ought, on this account, to be the more enlightened and impartial.

For success in this difficult and important department of history, a writer ought to possess qualifications similar to those indicated above with respect to science; he ought to have studied the subject with attention for a considerable time; he ought to have ability sufficient to master it, and also an honest desire of arriving at the truth, and not perverting the evidence to suit his own interests or inclinations.

Looking to the unsettled state of many portions of the moral and political sciences, and to the unpractical nature of the reveries in which speculators on an ideal commonwealth have indulged, it is natural that writers of history should be the chief guides of opinion on questions of government. As the historian's subject keeps him in perpetual contact with facts, his general conclusions always possess some value, and represent some fraction of truth, even when they are founded on an imperfect induction, or derived from a mass of contemporary facts not sufficiently dissected and decomposed. Besides, if the facts are fully and faithfully stated, his conclusions may be corrected and limited by his premises, which is never the case where the forms of an ideal state are constructed out of first principles, according to what Mr. Mill has styled the Geometrical Method of Political Reasoning. The increased tendency of modern times to historical studies, to the collection of a well-ascertained body of facts respecting the succes-

sive states of a civil community, and to their philosophical appreciation, as illustrating the progress of society, corresponds with the tendency to careful observation and induction in the physical sciences.[1] Hence, with the exception of the writers on the law of nations, on positive law, and on political economy, historians are now the great teachers of political wisdom—of *civilis scientia*.[2] And it is only by a close examination of the results obtained by trustworthy and enlightened historians, and by a careful generalisation from them, assigning each effect to its proper cause, that Political Philosophy can ever be placed on a sound basis.

NOTE TO CHAPTER V.

NOTE A. (p. 100.)

SOME of the numerous guesses of diviners have, as is not wonderful, hit the truth with great exactness. Thus John Cario, the astrologer of Joachim I., elector of Brandenburg, published in the year 1522 a *Prognosticatio*, constructed according to the rules of the art, in which he predicted a destructive inundation, famine, pestilence, and civil and ecclesiastical troubles, for the year 1524,[3] and the birth of Antichrist for the year 1693. But the year 1789 was to be the most terrible of all. In this year, there were to be great and marvellous events, changes and catastrophes. Adelung, who reports this prediction in a volume

[1] See the just remarks of M. Comte, *Cours de Phil. Pos.* tom. iv. p. 284 upon the benefits to be anticipated from the historical tendency of the present age.

[2] The following remarks of Bacon illustrate the applicability of history to practical politics:—'The form of writing which of all others is fittest for this variable argument of negotiation and occasion, is that which Machiavel chose wisely and aptly for government—namely, *discourse upon histories or examples;* for knowledge drawn freshly, and in our view, out of particulars, knoweth the way best to particulars again; and it hath much greater life for practice when the discourse attendeth upon the example, than when the example attendeth upon the discourse. For this is no point of order, as it seemeth at first, but of substance; for when the example is the ground, being set down in a history at large, it is set down with all circumstances, which may sometimes control the discourse thereupon made, and sometimes supply it as a very pattern for action; whereas the examples alleged for the discourse's sake are cited succinctly, and without particularity, and carry a servile aspect toward the discourse which they are brought in to make good.'—*Adv. of Learning*, vol. ii. p. 266. Legal precedents, in like manner, are of little value, unless the case cited has been reported fully, so that it can be seen whether the rule of law, said to have been laid down, was necessarily involved in the decision of the case.

[3] It seems that the astrologers had predicted the destruction of the world by inundation in 1524, and that some persons had provided themselves with ships in order to be prepared against the calamity.—BODIN. *de Rep.* IV. c. ii.

published in 1787, does not doubt that the astrologer will prove to be as much mistaken with respect to the year 1789, as he had already proved to be with respect to the year 1693.—*Geschichte der Narrheit*, vol. iii. p. 118.

There is likewise a curious prediction of the extinction of the independence of Venice, in the *Satire* of Luigi Alamanni, an Italian poet, who died about the middle of the sixteenth century, and whose poems were published at Lyons in 1532–3. In Satira xii. is the following address to Venice:—

Se non cangi pensier, l'un secol solo
Non conterà sopra'l millesimo anno
Tua libertà, che va fuggendo a volo.

Ginguené, who first called attention to this passage, (*Hist. Littéraire d'Italie*, tom. ix. p. 144, ed. 2,) remarks, that the election of the first doge falls in 697; and that if to this epoch we add 1100 years, we obtain the year 1797, which is the precise year next after that in which Venice ceased to be independent.

Few predictions, however, were so lucky as those of Cario for the year 1789, and of Alamanni for the year 1796; and, accordingly, it was in general necessary to alter them after the event, in order to produce a close agreement between the prediction and the thing foretold. Thus in the *Quatrains* of Nostradamus, first published in 1555, there was the following stanza:—

Gand et Bruxelles marcheront contre Anvers,
Senat de Londres mettront à mort leur roy:
Le sel et vin luy seront à l'envers,
Pour eux avoir le regne en desarroy.

After the execution of Charles I., this passage of Nostradamus was applied in France to the striking event, and it was long considered by his admirers as a strong proof of his prophetic power. Adelung, however, considers the supposed prophecy as taking its origin in the troubles in Flanders, which were contemporary with its composition; and he refers 'leur roy' to the Flemish cities, not to the senate of London. He understands Nostradamus to have meant, that the English government would put to death some supposed King of Flanders.—*Ut sup.* vol. vii. p. 133.

Another more remarkable example of the subsequent perversion of a prophecy, in order to adapt it to an important event, may be added:—A German writer, named Gaspar Brusch, published the following prophetic verses in the year 1553:—

Post mille expletos a partu virginis annos,
Et post quingentos rursus ab orbe datos,
Octogesimus octavus mirabilis annus
Ingruet: is secum tristia fata trahet.
Si non hoc anno totus malus occidet orbis,
Si non in nihilum terra fretumque ruent:
Cuncta tamen mundi sursum ibunt atque deorsum
Imperia, et luctus undique grandis erit.

The most remarkable event of the year 1588 was the Spanish Armada. The prediction was forgotten for two hundred years, and was reprinted in the *Mercure de France* in the middle of the last century, with the substitution of 'septengin-

tos' for 'post quingentos,' in v. 2, and a story about its having been found in the tomb of Regiomontanus, at Liska, in Hungary. Since the French revolution—which recalled attention to the supposed prophecy—the true origin of the verses, and the nature of the fraud, have been pointed out.—*Biog. Univ. in Brusch.* It is singular that, by some similar adaptation, a Jacobite should not have applied it to the English revolution of 1688. Compare the remarks of Mr. Grote, *Hist. of Gr.* vol. vi. p. 214, upon the flexibility of the Greek prophecies, and the manner in which they were moulded to suit any striking occurrence.

We must not, however, suppose that all astrological diviners were conscious impostors, and intentionally fabricated their predictions in such a manner as to admit of no certain interpretation. Many, or perhaps most, of them doubtless believed, to a certain extent, in the reality of the art which they practised. Thus Andrew Goldmayer, who was offered the professorship of mathematics at Strasburg in the year 1635, composed a chronicle of that city upon astrological principles. He complained that ordinary historians paid no attention to the state of the stars, in connection with the events which they narrated; whereas these events could not be understood without their causes, and their causes could only be explained by astrology. He began, therefore, to compose, not only a history of Strasburg, but also a universal history, according to this method, and believed that he would thus throw great light both upon astrology and history. For this purpose, he extracted the chief events out of chronicles; he calculated the position of the stars backwards, and believed himself, by this process, to have discovered the true cause of every important event.—ADELUNG, *ut sup.* vol. iv. p. 215. The process here described is a scientific process, and was an attempt to found judicial astrology upon inductive reasoning. It therefore proves the good faith of the astrologer. Compare also Kepler's astrological doctrine in Bethune's *Life of Kepler*, c. vii.; and the opinions of Bodinus *de Rep.* IV. c. 2.

CHAPTER VI.

ON THE NUMBER OF THE PERSONS COMPETENT TO GUIDE OPINION ON ANY SUBJECT, AS COMPARED WITH THE NUMBER OF THE REST OF THE COMMUNITY.

§ 1. IT has been shown, in the preceding pages, that the men of special information and experience, combined with the proper moral and intellectual qualifications, are the competent judges on each branch of knowledge, and therefore the legitimate guides of opinion. Now if we take each subject, whether of speculation or practice, in succession, these persons must always be a small section of the community; in fact, a mere handful, as compared with the entire population. In sciences and arts, the persons versed in those particular departments of knowledge,—in history, historians; in general literature, literary men and poets; in practical questions of law, medicine, architecture, navigation, &c., the men of the respective professions—who form respectively the standard and canon of authority, are but few in number, if set against the body of their fellow-countrymen. Moreover, even with respect to each of these classes, it is principally the ablest, the most learned, the most experienced, the most skilful, whose opinion constitutes authority. So long as we admit the maxim, 'Unicuique in suâ arte credendum,' the class or body of persons competent to judge in each matter must be numerically insignificant in comparison with the whole people. If we divide the nation into two parts—one consisting of a profession, or body of persons specially conversant with a particular subject, the other consisting of the rest of the population, the numbers of the latter portion will immensely preponderate:

> The few, by nature formed, with learning fraught,
> Born to instruct, as others to be taught.

§ 2. In each subject, therefore, the opinion of the great bulk of the people is, taken as a standard of truth and rectitude, un-

worthy of consideration, and destitute of weight and authority. It is the opinion of uninformed and inexperienced persons, whose incapacity to judge is not cured by the multiplication of their numbers. The mere aggregation of incompetent judges will not produce a right judgment, more than the aggregation of persons who have no knowledge of a matter of fact will supply credible testimony to its existence.[1]

This is equally the case, whether the multitude agree in opinion with the few competent judges, or disagree with them.

If they agree, the opinion of the unscientific or unprofessional many, whether right or wrong, can scarcely fail to be derived, more or less remotely, from that of a few persons either being, or considered to be, competent judges. Now, whether the opinion be sound or unsound, it is in general derived without any adequate process of examination or verification, and is held merely upon trust; so that the concurrence of the multitude adds little or no weight to the judgment of the former.[2] Thus, at present the Newtonian system of the world is accepted by the people at large, in all civilised countries, who therefore believe that the world moves round the sun. But they entertain this opinion merely on the authority of the agreement of scientific astronomers, and with no better knowledge of the grounds of their belief than their ancestors, who recognised the Ptolemaic system, and believed that the sun moves round the earth. On the other hand, the agreement between men of science and the multitude may exist in cases where the opinion is erroneous; and it may arise from the absence of original research and of an enlightened scepticism, from the passive retention of ancient errors and the blind adherence to traditionary prejudices. Of this state of things, the history of the physical sciences in antiquity and the middle ages affords numerous examples, which it would be useless to particularise, and many examples might be cited from the moral sciences at the present time.

If they disagree, the preference is justly due to the opinion of the few competent judges, and the opinion of the uninformed and inexperienced multitude is inferior in authority to that of the

[1] 'An quicquam stultius quam quos singulos (sicut operarios, barbarosque,) contemnas, eos esse aliquid putare universos?'—CICERO, *Tusc. Quæst.* V. 36.

[2] 'Les hommes, en général, approuvent ou condamnent au hasard, et la vérité même est, par la plupart d'entre eux, reçue comme l'erreur, sans examen et par préjugé.'—HELVÉTIUS *de l'Homme*, sect. XI. ch. 8.

select body. In cases where there is an agreement of opinion between the competent few and the incompetent many, the concurrence adds little or no weight to the opinion of the former. In cases where there is a conflict of opinion between the same two classes of persons, the preference must be given to the latter, as a measure of truth, and a canon for the judgments of others.

So numerous are the cases in which the opinion of the multitude conflicts with that of the few competent judges, that a majority of voices has, in questions not involving a legal decision, been considered as a mark of error. 'Argumentum pessimi turba,' says the Latin proverbial verse, cited by Seneca.[1] It has been said, not only that a majority of voices is no conclusive proof of rectitude, and that moral questions cannot be decided, like questions in a legislative assembly, by a division of the ayes and noes—but that a person ought to be ashamed of finding his opinion or conduct approved by the multitude, and that the concurrence of the many raises a presumption of being in the wrong.[2] 'Pessimum

[1] 'Est turba semper argumentum pessimi.'

PUBLIUS SYRUS, v. 190.

That is to say, 'the concurrence of the crowd is a proof of the worst side.'

Compare Seneca, *De Vit. Beat.*, c. 1, 2. 'Sanabimur, si modo separemur a cœtu: nunc vero stat contra rationem, defensor mali sui, populus. Itaque id evenit, quod in comitiis, in quibus eos factos prætores iidem qui fecere mirantur, quum se mobilis favor circumegit. Eadem probamus, eadem reprehendimus: hic exitus est omnis judicii, in quo secundum plures datur. Quum de beata vita agitur, non est quod mihi illud discessionum more respondeas: "Hæc pars major esse videtur." Ideo enim pejor est. Non tam bene cum humanis rebus agitur, ut meliora pluribus placeant: argumentum pessimi turba est.'

There is likewise a verse of the old tragedian, Attius:

'Probis probatum potius quam multis fore.'

P. 201, ed. Bothe.

Cicero gives the following description of the manner in which opinions were formed in his time:—'The seeds of virtues are (he says) planted by nature in our minds; but as soon as we are born, we are surrounded with false opinions, so that we almost imbibe error with our nurse's milk. As our education proceeds, we contract further errors from our parents and teachers, and we learn the fables of the poets, which take root in our mind: "Cum vero accedit eodem quasi maximus quidam magister, populus, atque omnis undique ad vitia consentiens multitudo, tum plane inficimur opinionum pravitate, a naturaque desciscimus."' *Tusc. Quæst.* III. 1, 2. Compare a similar passage in *De Off.* I. 32.

[2] Plutarch relates a celebrated saying of Phocion, who, on receiving the applause of the people for a speech which he had made in the Athenian assembly, turned round to his friends, and expressed his fear that he had said something which he ought not to have said.—(*Phocion*, c. 8.)

Speaking of the Optimates, or aristocratic party in the Roman State, about the time of the Gracchi, Cicero says: 'Qui autem adversabantur ei generi [to the popular

omnium est augurium (says Lord Bacon) quod ex consensu capitur in rebus intellectualibus: *exceptis divinis et politicis, in quibus suffragiorum jus est.* Nihil enim multis placet, nisi imaginationem feriat, aut intellectum vulgarium notionum nodis astringat. Itaque optime traducitur illud Phocionis a moribus ad intellectualia; ut statim se examinare debeant homines, quid erraverint aut peccaverint, si multitudo consentiat et complaudat.'[1] This inference, however, holds good only in cases where the majority put themselves under the guidance of bad leaders, and reject the advice of the persons best qualified to form a sound judgment. It is only when the public array themselves against the opinion of the fittest counsellors, that they are more likely to be wrong than right.

§ 3. We have already had occasion to advert to the old adage—'Unicuique in suâ arte credendum'—as expressive of the doctrine that the competent few, and not the incompetent many, constitute the standard of authority. There is another proverb, equally handed down to us from antiquity—'Ne sutor ultra crepidam'[2]—which forms, as it were, the complement of the other. As the former teaches us to place confidence in the qualified few, in subjects within their own province, so the latter warns us not to rely

party], graves et magni homines habebantur: sed valebant in senatu multum, apud bonos viros plurimum; multitudini jucundi non erant: suffragiis offendebatur sæpe eorum voluntas: *plausum vero etiamsi quis eorum aliquando acceperat, ne quid peccasset, pertimescebat.* Attamen, si qua res erat major, idem ille populus horum auctoritate maxime commovebatur.'—*Pro Sextio*, c. 49.

Plutarch, *De Lib. Educ.* c. 9, advises that youths should not be allowed to listen to popular speeches or discourses at the public festivals: τὸ γὰρ τοῖς πολλοῖς ἀρέσκειν, τοῖς σοφοῖς ἐστιν ἀπαρέσκειν. He cites also some verses of Euripides, showing the opposition between wisdom in council, and fitness for popular oratory.

The opposition between philosophy, or science, and popular opinion is well-known and established. Thus, Cicero says: 'Est enim philosophia paucis contenta judicibus, multitudinem consulto ipsa fugiens, eique ipsi et suspecta et invisa.'—*Tusc. Disp.* II. 1. Hence the paradox, that it is better even to err with a great philosopher, than to be right with inferior minds. 'Errare mehercule malo cum Platone . . . . quam cum istis vera sentire.'—*Ib.* I. 17. A similar sentiment occurs in a letter of Hume to Adam Smith: 'A wise man's kingdom is his own breast; or, if he ever looks farther, it will only be to the judgment of a select few, who are free from prejudices, and capable of examining his work. Nothing, indeed, can be a stronger presumption of falsehood than the approbation of the multitude; and, Phocion, you know, always 'suspected himself of some blunder, when he was attended with the applauses of the populace.'—BURTON'S *Life and Correspondence of Hume*, vol. ii. p. 57.

[1] *Nov. Org.* lib. i. aph. 77. The exception for religious questions refers to the decisions of councils and synods of divines, by a majority of voices.

[2] See the story of Apelles, in Plin. *H. N.* xxxv. 36, § 12. Compare the verse of Euripides, *Fragm. Incert.* 94. Dindorf. τέκτων γὰρ ὢν ἔπρασσες οὐ ξυλουργικά; and of Aristoph., *Vesp.* 1431, ἔρδοι τις ἣν ἕκαστος εἰδείη τέχνην, referred to by Cicero,

on their judgment with respect to other subjects. Similar in its import is the sound maxim: 'Auctoris aliud agentis parva est auctoritas'—a rule of construction useful in estimating the value of an authority who is cited in proof of any position. The opinion of each person is only good for the purpose to which it professedly and directly relates: it must not be applied to incidental and collateral matters. Subjects not bearing immediately upon the main question may have been considered imperfectly, or passed over without consideration; and, therefore, ought not to be treated as decided, although the opinion may, from the generality of its terms, appear to include them.

In considering the seat of authority, it should be borne in mind, on the one hand, that no man is a competent judge on *all* subjects; and, on the other, that every man is a competent judge on *some*.

The authority of every scientific or professional man, every man having a special aptitude of judgment, is limited to his own subject or class of subjects. Out of this range his opinion is worthless, or, at all events, only on a par with that of any other man of sense, and of practised habits of thought, having no special knowledge or experience of the matter. The opinion of an astronomer or a geologist upon a question of jurisprudence, of a lawyer upon medicine, of an agriculturist upon military or naval tactics, of a sailor upon chemistry or painting, of a botanist upon navigation, would certainly be of no more value than that of any other person taken at random from the midst of society. Every man, however highly endowed by nature, and however qualified by study, reflection, and experience, to pronounce on a particular subject, is a mere undistinguished cipher, only one of the great multitude, upon all other subjects. Upon these, his opinion ranks with that of any ordinary person. A scientific or professional man may, therefore, be compared to a court of limited jurisdiction, which is com-

Tusc. I. 18. 'Bene enim illo Græcorum proverbio præcipitur, "Quam quisque norit artem, in hac se exerceat."' Horace gives this precept twice over:

> Optat ephippia bos, piger optat arare caballus:
> Quam scit uterque, libens, censebo, exerceat artem.
>
> *Ep.* I. 14, v. 43.

> Navem agere ignarus navis timet. Abrotonum ægro
> Non audet, nisi qui didicit, dare. Quod medicorum est
> Promittunt medici. Tractant fabrilia fabri.
>
> *Ep.* II. 1, vv. 114–6.

petent to pronounce on one class of questions, but is without power of deciding on any others.

§ 4. On the other hand, there is scarcely any man—however uncultivated his faculties, and however limited his powers of observation—who is not qualified to form an opinion upon some subject—if not of speculation, at least of practice. An unskilled labourer, an artisan, a domestic servant, or a petty trader, each in his own calling, becomes acquainted with certain facts and processes, acquires a certain experience, and is thus qualified to form a judgment on that particular subject, confined and comparatively simple as it may be. A similar remark applies to the knowledge of household management, the care and nurture of children, and the tending of the sick, which falls peculiarly within the province of women. Knowledge of this kind may be disregarded by those who have mastered more abstruse and difficult subjects; but it is essential to the conduct of life, and the persons who possess it are as much entitled to be considered authorities in their own department, as those who have pursued more elevated studies in their branches of science.

§ 5. It follows, from these remarks, that there is no one body of persons who are competent judges on all subjects, and who are qualified to guide all sorts of opinion; that there is no one intellectual aristocracy, separated from the rest of the community, and predominating over them indiscriminately. Every subject, in turn, has its own peculiar set of competent judges, which vary for each; and he who belongs to this select body for one science or art, or other practical department of knowledge, is confounded with the crowd in all others. Again, a person whose opinion is without authority on this, and that, and the other subject, at last arrives at some branch of knowledge, or some portion of the business of life, on which his opinion has a claim to attention.

Inasmuch as each person has his own special department,—as an astronomer reckons with the peasant on a question of law or medicine—and as a lawyer or physician, on questions of military or naval warfare, is unprofessional and destitute of authority,—every man ought to know the bounds of his own subject, and not venture to pronounce an authoritative and independent opinion on questions lying out of his proper province; 'Non parum est scire quid nescias.' Upon questions of this sort a man ought to defer to the opinions of others, who may be wholly unacquainted with his own subject, and who, with respect to that subject, ought, in

their turn, to defer to his opinion: 'Hanc veniam petimusque damusque vicissim.' Even the infallibility of the Pope is, by the most rigid theologians of the ultramontane school, not extended beyond matters of faith.

§ 6. As the acceptance of an opinion by the multitude does not afford presumptive evidence of its truth, unless it be also entertained by the competent judges; so the mere prevalence of an opinion does not prove its soundness.[1]

Prevalent opinions may have sprung from the most impure sources. Mere unauthenticated rumour or tradition, imperfect and unverified observation, hasty and illogical generalisations from single facts, or inductions from facts in a lump, uncorrected by any analytical process, and even deliberate imposture, are often the originating causes of wide-spread opinions. Sometimes these errors are deeply rooted in the popular conviction, and descend from generation to generation.

We know that false and unfounded opinions have been entertained by entire communities, without question, for ages. Not merely has this been the case with respect to false religions,[2] and legendary accounts of early history, interwoven with the religious and patriotic feelings of the people, but even with respect to facts in the natural sciences, which admitted of being verified by easy and simple observations or experiments. The works of the ancient naturalists (as Pliny and Ælian) abound with such accredited fables, many of which retained their hold on popular belief till a late period, as may be seen by the collection in Sir T. Browne's *Vulgar Errors*: 'Permit me to ask you, sir, (says Bayle to his antagonist) if you have ever paid attention to the multitude of authors who have said, one after another, that "a man weighs more when fasting than after a meal," that "a drum of sheepskin bursts at the sound of a drum of wolfskin," that "vipers kill their mothers at their birth, and their fathers at the moment when they are formed,"

[1] Non gravissimum est testimonium multitudinis. In omni enim arte, vel studio, vel quâvis scientiâ, vel in ipsâ virtute, optimum quidque rarissimum est.—CICERO *de Fin.* II. 25.

[2]
Sic observatio crevit,
Ex atavis quondam male cœpta; deinde secutis
Tradita temporibus, serisque nepotibus aucta.
Traxerunt longam corda inconsulta catenam,
Mosque tenebrosus vitiosa in sæcula fluxit.

PRUDENTIUS *contra* SYMMACH. I. 240–4, with respect to the ancient heathen religion of Italy.

and several other things of the same nature. Not only have these been reported as ascertained facts, but attempts have been made to determine their cause: they have been the subject of wonder; moral saws have been deduced from them; advocates have referred to them at the bar; preachers have drawn multitudes of comparisons from them: endless themes on these subjects have been proposed in the classes of schools. Nevertheless, they are all things contrary to experience, as those who have had the curiosity to investigate them have ascertained.'[1]

The belief in astrology, and other mock sciences of divination —in the ominous nature of eclipses and comets, as well as in witchcraft, sorcery, and magic, prevailed in Europe for many centuries. Yet no one would think of alleging the former prevalence of this belief, or the popular faith in ghosts and fairies, as a proof of the reality of these unseen influences and existences. In like manner, many of the popular opinions respecting the communication of diseases by contagion and infection, which have served as the basis of an intricate system of Quarantine regulations, derive their origin from fanciful analogies, or rash inferences from imperfect and ill-ascertained data.[2]

In the above cases, the erroneous opinion has been permanent in its character; it has made its way slowly, and has yielded by a similar process to the gradual inroads of science and reason. At other times, popular delusions appear in the form of a transient influence, powerfully affecting the minds, or rather the nervous susceptibilities, of the multitude, and propagating itself in all directions, like an infectious disease. Such, for example, was the panic which seized the Athenians in the affair of the Mercuries; such the dread of the Untori at the plague of Milan, described by Manzoni; and such the wicked delusion of the Popish Plot. The opinions of some fanatical sectaries have likewise been diffused by a similar process.

So great is the influence of authority in matters of opinion, that the extensive diffusion of any belief does not prove that numerous persons have examined the question upon its own merits, and have founded their conclusion upon an independent

[1] *Pensées sur les Comètes*, § 46. *Œuvres*, tom. iii. p. 35.

[2] 'Even in what is called natural astrology, the dependence of the weather on the heavenly bodies, it is easy to see what a vast accumulation of well-observed facts is requisite to establish any true rule; and it is well known how long, in spite of facts, false and groundless rules (as the dependence of the weather on the moon) may keep their hold on men's minds.'—WHEWELL, *Hist. of Ind. Sci.*, vol. i. p. 301.

investigation of the evidence: an opinion may be held by a large number of persons, but they may all have been misled by some erroneous authority—they may have all mechanically followed the same blind guide;[1] so that their number has, in fact, no weight, and they are no more entitled to reckon as independent voices, than the successive compilers who transcribe a historical error are entitled to reckon as independent witnesses.[2]

§ 7. Whenever the people can be considered in the light of a body of witnesses—whenever they are capable of verifying an opinion by a simple and easy process of observation—their concurrence is of weight. Moreover, the preponderance of numbers in favour of any opinion is always an imposing fact, and it is often attended with the most important practical consequences. The opinions of a large body of people are likewise always sincere, and

[1] Nihil magis præstandum est, quam ne, pecorum ritu, sequamur antecedentium gregem, pergentes non qua eundum est, sed qua itur. . . . . Quod in strage hominum magna evenit, quum ipse se populus premit, nemo ita cadit, ut non alium in se attrahat: primi exitio sequentibus sunt: hoc in omni vita accidere videas licet: nemo sibi tantummodo errat, sed alieni erroris et causa et auctor est. Nocet enim applicari antecedentibus: et dum unusquisque mavult credere, quam judicare, nunquam de vita judicatur, semper creditur: versatque nos et præcipitat traditus per manus error, alienisque perimus exemplis.—SENECA *de Vit. Beat.* c. 1.

[2] 'Illud etiam de consensu fallit homines, si acutius rem introspiciant. Verus enim consensus is est qui ex libertate judicii (re prius exploratâ) in idem conveniente consistit. At numerus longe maximus eorum, qui in Aristotelis philosophiam consenserunt, ex præjudicio et auctoritate aliorum se illi manciparit; *ut sequacitas sit potius et coitio quam consensus.*'—BACON, *Nov. Org.* I. aph. 77.

'Que ne pouvons nous voir ce qui se passe dans l'esprit des hommes, lorsqu'ils choisissent une opinion! Je suis sûr que si cela était, nous réduirions le suffrage d'une infinité de gens à l'autorité de deux ou de trois personnes, qui, ayant débité une doctrine que l'on supposait qu'ils avaient examinée à fond, l'ont persuadée à plusieurs autres par le préjugé de leur mérite, et ceux-ci à plusieurs autres, qui ont trouvé mieux leur compte, pour leur paresse naturelle, à croire tout d'un coup ce qu'on leur disait, qu'à l'examiner soigneusement. De sorte que le nombre des sectateurs crédules et paresseux, s'augmentant de jour en jour, a été un nouvel engagement aux autres hommes, de se délivrer de la peine d'examiner une opinion qu'ils voyaient si générale, et qu'ils se persuadaient bonnement n'être devenue telle, que par la solidité des raisons desquelles on s'était servi d'abord pour l'établir, et enfin on s'est vu réduit à la nécessité de croire ce que tout le monde croyait, de peur de passer pour un factieux, qui veut lui seul en savoir plus que tous les autres et contredire la vénérable antiquité: si bien qu'il y a eu du mérite à n'examiner plus rien, et à s'en rapporter à la tradition. Jugez vous-même si cent millions d'hommes engagés dans quelque sentiment, de la manière que je viens de représenter, peuvent le rendre probable, et si tout le grand préjugé qui s'élève sur la multitude de tant de sectateurs, ne doit pas être réduit, faisant justice à chaque chose, à l'autorité de deux ou trois personnes qui apparemment ont examiné ce qu'elles enseignaient.'—BAYLE, *Œuvres*, tom. iii. p. 12.

Hooker makes similar remarks with respect to the Church. *Ecc. Pol.* Pref. c. 5 § 8.

they thus obtain that guarantee for truth, so far as it extends, which is afforded by sincerity. From these various causes has arisen the modern acceptation of the proverb, *Vox populi, vox Dei.* This proverb, in its original sense, appears to be an echo of some of the sentences in the classical writers, which attribute a divine or prophetic character to common fame or rumour: words casually thrown out, or predictions flying about the mouths of the people, were supposed by the ancients to spring from a supernatural source.[1] This was the proper sense of the adage in question;[2] but of late years it has assumed a different meaning, and has been taken to express the supposed unerring truth of popular opinion. Understood in this general sense, the proverb is

[1] Φήμη δ' οὔτις πάμπαν ἀπόλλυται, ἥντινα πολλοὶ
Λαοὶ φημίξωσιν· θεός νύ τις ἐστὶ καὶ αὐτή.
Hesiod, Op. 764.

These verses are quoted by Aristot., *Eth. N.* vii. 14, to illustrate the position, that pleasure is the summum bonum, because all men and animals seek it. The universality of the feeling is taken as a proof of its divine origin. Compare Æschin., *Timarch.* § 127–8, where the divine and prophetic attributes of popular fame are illustrated. Virgil, *Æn.* iv. 173, deifies fame. See also Ovid *Met.* xii. 39–63. The sudden appearance of a popular feeling, without apparent reason, was ascribed to divine influence: hence *φόβος πανικός*; in the same manner that epilepsy and sneezing were thought divine. The views of the Greeks on this subject are copiously illustrated by Mr. Grote, *Hist. of Gr.* vol. v. p. 260, note.

[2] '"Vox populi, vox Dei," in vulgarem ob id jactatum est sermonem, quod populus interdum aliquid temere ac intempestive fundere soleat, quod perinde quasi divinasset, evenit. Cujusmodi vaticinium fuit illud populi Judaici supplicium Christi affectantis, cum repente exclamavit, "Sanguis ejus super nos, et super filios nostros." [*Matth.* xxvii. 25.] Id quod imprecationis plane contigit, et usque nunc durat, nam haud ita multo post insigni affecti calamitate a Vespasiano et Tito, tanti sceleris pœnas digno impietatis pretio, ut Hegesippus ait, persolventes, fere omnes cum patria periere. Unde est cunctis seculis observatum, non usquequaque vanum evadere, quicquid fuerit vulgi rumore jactatum, perinde Deus in mortalium ora quasi ante immittat, quod brevi tempore sit futurum.'—POLIDOR. VIRGIL. *Adagia Sacra*, No. 199. [Preface dated London, 1519. The allusion in this passage appears to be to a Latin translation of part of the *Jewish War* of Josephus, which was published under the name of Hegesippus, in 1511.]

Machiavel also, writing at the same time, refers this saying to the supposed prophetic qualities of popular opinion: 'E non senza cagione si assomiglia la voce d'un popolo a quella di Dio, perchè si vede una opinione universale fare effetti maravigliosi nei pronostici suoi, talchè pare che per occulta virtù ci prevegga il suo male o il suo bene.'—*Disc.* I. 58.

The Italian proverb, 'Voce di Dio, voce di popolo,' is in Pescetti, *Prov. It. et Lat.* (1618) p. 13 b. 'Voix du peuple, voix de Dieu,' is cited by Leroux de Lincy, (tom. i. p. 16,) from a collection of French proverbs of the sixteenth century. Körte, *Sprichwörter der Deutschen*, p. 455, gives the German proverb, 'Volkes Stimme, Gottes Stimme;' but his explanation, which refers it to the interpretation of omens by heathen priests, seems untenable.

manifestly untrue: the utmost that can be said is, that the opinion of the multitude is sometimes right and sometimes wrong; according to the dictum of Horace—

Interdum vulgus rectum videt, est ubi peccat. (*Ep.* II. 1, 63.)

Popular opinion (as has been just remarked) is peculiarly deserving of attention in cases where the people can be considered in the light of separate and independent witnesses; where the opinion relates to some fact, which admits of being observed and verified by each person for himself. Accordingly, (as Machiavel [1] has said,) popular opinion is more often right on *particulars* than on *generals*. Thus, the judgment of the public is more correct on questions of morality, and individual behaviour and conduct, than on questions of speculation and abstract truth, or of general expediency and a course of policy.[2] Thus, too, in affairs of state, the opinion of the people is entitled to greater weight with respect to the *existence* of political evils, than with respect to their *remedies*. The people can, by their own feelings and observation, ascertain the existence of physical and patent evils—such as famine, high prices, mercantile ruin and panic, oppressive taxes, corrupt and partial administration of justice, insecurity of life and property. But what are the proper remedies for these evils, or, indeed, how far they may be remediable by the power of the government, the people are in general less able to form a correct opinion. Accordingly it may be observed that, when once satisfied that the existence of the evil is admitted, they are often disposed to defer to the authority of statesmen and political leaders with respect to the choice of a remedy. It should be added, that popular opinion is more to be relied on in reference to complaints against *old*, than against *new* laws and institutions. With respect to the former, the people judge, in general, from observed facts; against the latter, they are sometimes prejudiced by a few interested or passionate leaders, before the institution has been established, or the law been carried into effect, in such a manner as to be fairly judged by its results; and a popular clamour, not founded on any real suffering or inconvenience, is thus excited.[3]

[1] *Discorsi*, i. 47.

[2] 'The general voice of mankind,' (says Dr. Whewell,) 'which may often serve as a guide, because it rarely errs widely or permanently in its estimate of those who are prominent in public life, is of little value when it speaks of things belonging to the region of exact science.'—*Hist. of Ind. Sci.*, vol. i. pref., p. x.

[3] 'The people cannot see, but they can feel;' 'The people are deceived by names, but not by things.'—HARRINGTON'S *Political Aphorisms*, (ed. 1737,) p. 516.

Generally, it is true that public opinion is of great value, where it can be resolved into the testimony of a multitude of witnesses with respect to a matter of fact. Many persons on the look-out can observe better than a few; and hence it is more easy to deceive one than many,[1] except, indeed, in cases where special knowledge is requisite. For example: it would be easier to deceive a hundred ordinary persons by false jewels than a single jeweller; or a hundred ordinary persons by a copy of an old picture, than a single connoisseur in painting.

It may be observed, too, that popular sentiment, including large numbers of persons, is for the most part directed towards objects of extensive interest, though it may seek those objects by inadequate or perverse means; and that there is often something generous, humane, and comprehensive in its sympathies.[2]

§ 8. Aristotle, in several passages of his *Politics*, speaks of the defect of virtue, or knowledge, in the people, or majority of a state, considered as separate individuals, being supplied by their aggregate number; upon the ground that, though each person's share of virtue and good sense is small, yet, when these separate amounts are added together, they make a large quantity. In this manner, he thinks, the wisdom and virtue of the many may, in the aggregate, exceed those of the wise and virtuous few—as a feast formed of contributions of the guests may be more splendid than a banquet given by a single person. So, in judging of anything, the

[1] 'Melius omnibus quam singulis creditur. Singuli enim decipere et decipi possunt; nemo omnes, neminem omnes fefellerunt.' PLIN. *Pan.* c. 62. Also Rochefoucauld, *Max.* 416: 'On peut être plus fin qu'un autre, mais non pas plus fin que tous les autres.' On the other hand, there is the proverbial verse of Publius Syrus, v. 698—

'Sæpe oculi et aures vulgi sunt testes mali.'

[2] 'Sous quelque idée de légèreté et d'inconsidération qu'on se plaise à nous représenter le peuple, j'ai éprouvé que souvent il embrasse à la vérité certaines vues, vers lesquelles il se porte avec chaleur, ou plutôt avec fureur; mais que ces vues ont pourtant toujours pour objet un intérêt commun, et d'une certaine généralité, jamais un intérêt purement particulier, comme peuvent être les ressentimens et les passions d'un seul homme, ou d'un petit nombre de personnes. Je hasarde même de dire, que sur ce point, le juge le moins faillible est la voix de ce peuple même.'—SULLY, *Mémoires*, lib. xiv. (tom. iv. p. 341; ed. 1778.)

According to Livy, xlii., 30, 63, the people generally favours the weaker side. It shows this disposition even in the public games. On the other hand, Juvenal says that the Roman people always sympathised with the strong against the weak.

Sed quid
Turba Remi? Sequitur fortunam, ut semper, et odit
Damnatos. (x. 72.)

unskilled many may be equal or superior to the skilled few; for different persons will judge of different portions, and the judgments of the body, when put together, will exhaust the entire subject.[1]

It is true that, in cases where each person is, to a *certain extent*, capable of forming an opinion, an increase in the number of the judges may compensate the separate deficiency of each. But whenever either eminent virtue or wisdom is required, this process of arithmetical addition will not avail to produce a large amount, by clubbing the intelligence and honesty of many persons, each of whom is destitute of these qualities in a high degree.[2] We cannot create great political ability and fitness by combining the opinions of a large body, as military power can be created by rendering an army or navy numerically strong, or as a large sum of money can be produced by the subscriptions of many persons of small means. As well might we attempt to make one great poet by combining the efforts of several minor poets;[3] or a great painter, by employing several inferior artists on the same picture; or a great captain, by combining the ideas of several military officers of moderate powers. For political and other purposes, in which capacity of a high order is requisite, there must be single persons possessing that degree of power, in order to arrive at sound practical conclusions. This want cannot be supplied by numbers, more than a wall could be battered down by musket-balls, however thickly poured in, though the same weight of metal, cast into cannon-shot, would instantly lay it prostrate.

§ 9. One form in which the general voice and sentiment embodies itself is Proverbs, or apophthegms whose authority is derived

[1] III. 6. 8.

[2] Speaking of a change in the financial department made in France in 1594, by which a board of eight members was substituted for the former office of superintendent, Sully observes, first, that the measure was ill-devised, because it is more difficult to find several persons fit to manage the finances than one. He proceeds to say—'L'erreur n'est pas moins visible de s'imaginer, que toutes ces personnes y apportant chacune de leur côté une bonne qualité différente, il en résultera le même effet que d'un homme qui les auroit toutes: puisque c'est supposer que cette bonne qualité ne sera pas rendue inutile et par ses propres défauts, et par ceux de ses associés.'—*Mémoires*, lib. VII. tom. II. p. 427.

[3] 'L'on n'a guère vu jusques à présent un chef-d'œuvre d'esprit qui soit l'ouvrage de plusieurs.'—LA BRUYÈRE, *Caractères*, c. 1. It has been justly objected to the Wolfian hypothesis respecting the Homeric poems, that it assumes the possibility of *putting the genius of Homer in commission*.—Compare the remarks of Comte, *Cours de Philosophie Positive*, tom. IV. p. 614–6.

from their popular reception.[1] For this reason, the attention, both of philosophers and practical men, has from an early date been directed to proverbs. Their importance has been recognised, as representing and concentrating the experience of many men, and even of many generations; as being the brief and pointed expression of the inferences which popular observation and sagacity have collected from human life. The Jews were guided by the proverbs of their wise king, and a moral apophthegm was attributed to each of the seven sages of Greece. Aristotle even thought that proverbs were the remains of the philosophy of an extinct race of men, which had been preserved on account of their conciseness and wisdom.[2] Every modern nation possesses its collection of proverbs; many of which are, with the necessary changes of expression and form, common to all the European languages, and have a general currency by a sort of *jus gentium*.

Proverbs being maxims, in the nature either of observation or of precept, upon human life or conduct, are accredited by the tacit verification which they have undergone in their tradition from one individual and one generation or nation to another. If their truth or soundness had not been recognised by those who used them, and handed them on, they would soon have gone into oblivion.

In general, however, proverbs express only empirical laws of human nature[3]—that is to say, being generalisations from partial experience, they are only true within certain limits, and subject to certain conditions. Before, therefore, a popular proverb can be safely used for philosophical purposes as evidence of a general truth, it must undergo a process of analysis; it must be limited according to the mental tendencies which it involves, and the circumstances in which it is applicable. In this manner, proverbs which are apparently contradictory may be reconciled, and the partial truth which they contain will be extracted and rendered profitable.

Thus, to take a familiar example of opposite proverbial precepts: there are adages in all languages warning against precipitation—as 'Festina lente;' 'Hâtez-vous lentement;' 'Eile mit weile;' 'Kommt zeit, kommt rath;' 'The more haste, the worse speed;' 'Haste makes waste.' On the other hand, there are proverbs against procrastination and delay, as—'Baldgethan ist wohlgethan;' 'Delay not till to-morrow what may be

[1] 'The wit of one man, and the wisdom of many,' is a definition of proverbs attributed to a living statesman.

[2] See Schneidewin, *Præf. ad Paroem. Gr.* p. 1. Compare *Rhet.* II. 21.

[3] See Mill's *System of Logic*, b. III. c. 16; b. VI. c. 5. § 1.

done to-day;' 'A stitch in time saves nine.' These opposite maxims, though absolute and universal in their form, require to be limited and qualified, in order to adapt them respectively to the cases in which it is expedient to act with deliberation and caution, and those in which a rapid glance and speedy decision are requisite. In order to make this adaptation, the circumstances of the several cases must be analysed, and the causes of the difference in the mode of treatment for each class must be investigated. By this process, the empirical law will be converted into a scientific law, and the generalisation will be restricted to the limits within which it holds good.

So, if we compare the following French proverbs—'Force passe droit,' 'Sagesse vaut mieux que force,' 'Chose forcée de petite durée,'[1] we may easily see that each expresses a partial truth, but is not true universally. Again, such adages as—'Il est plus facile de conseiller que de faire,' 'Familiarity breeds contempt,' 'Necessity is the mother of invention,' 'The town for wealth, the country for health,' and the Italian proverb cited by Bacon—

Di danaro, di senno, e di fede,
C'è ne manco che non crede—

are doubtless often true; but they are generalisations from a limited and variable experience, and not scientific truths expressive of tendencies in human nature. Hence, these abbreviations of past experience, these concise expressions of popular wisdom, cannot be used as substitutes for scientific inquiry; nor can they take their place in a system of accurate knowledge without undergoing a process of correction and adaptation.

§ 10. Wherever, in the preceding pages, the opinion of the skilled or enlightened few has been preferred to that of the uninformed many, and the judgment of the general public has been treated as unimportant, the remark must be understood to be confined to popular opinion considered as a *standard of truth*. Regarded as a *fact*, popular opinion, whether right or wrong, must always be important, since there are many things in which the preponderance of numbers necessarily exercises a decisive influence. It is always a material consideration when we can say of any party, or body of persons, what Cicero said of the Epicurean sect, 'Qui auctoritatem minimam habet, maximam vim, populus cum illis facit.'[2]

[1] Leroux de Lincy, tom. II. pp. 201, 224, 316.
[2] *De Fin.* II. 14.

§ 11. Thus, with respect to affairs of state, the acquiescence of the majority of the population in the acts of the government, or their dislike of these acts, and their consequent desire to resist, thwart, or evade them, must always command attention. The state of feeling among the people towards their government is always a matter of moment, whether its acts be intrinsically right or wrong. The existence of a disaffected or rebellious spirit among the people can never be a subject of trifling concern, however just, wise, and politic the conduct of the government may have been, and however unmerited the disfavour into which it may have fallen. So, with respect to the imposition of a tax, and the administration of criminal law, it is not sufficient that the fiscal measure, or the scale of punishments, should be defensible on rational grounds—it is necessary that they should enjoy some portion of popular favour, or, at least, not shock the feelings and prejudices of the public. Unpopularity, in short, in all political matters, is a fact which never can be safely overlooked; and even where the measures of a government, or the conduct of a statesman, may have been misunderstood and misjudged, merely because they were founded on views in advance of public opinion, it must always be taken into account as a material element in all political calculations. Popularity is as important in affairs of government as numbers are in war; and it would be as impossible for a statesman to succeed who could not obtain the support, or at least the acquiescence, of a large portion of the population, as for a general to gain a victory with a handful of men against overwhelming forces.

The stability and success of every government must mainly depend upon the approbation, or acquiescence, with which its measures are viewed by the great mass of the community. By internal concord, a small state may become powerful; by internal discord, a large state is sure to be rendered weak. Although the theory of the social compact is groundless, yet government rests ultimately on a tacit agreement for a common end. It exists by the voluntary obedience of the majority of the people, and, armed with that support, it enforces its laws against each individual who successively violates them. The introduction, therefore, of the numerical principle, in one form or other, becomes necessary for every government which is to be established on a firm basis. As to the manner in which this principle is legally recognised in the constitution of free States, and in which its

operation is modified in practice, more will be said in the following chapters.

§ 12. There are other subjects, besides government, in which the predominant practice, or usage, or taste, of the great body of the people is a matter of sovereign importance, as establishing a standard, whether good or bad, for the guidance of all those whose business it is to supply the wants of the public, in the way either of comfort, or amusement, or intellectual gratification, or by speech and writing to reach their feelings and convictions.

For example: in questions of language, the usage of the greater number is practically the standard of decision, according to the well-known dictum of Horace. In order that a person should be intelligible, it is necessary that he should conform to the grammatical forms and significations of words generally recognised by those whom he addresses. Even here, however, the judgment of the learned few has great weight; on questions of grammar, grammarians—on questions of the meaning of words, lexicographers and philological writers are consulted; and[1] their authority is recognised as guiding usage, and determining its correctness. In fixing the sense of a word, its etymology, and the use of early writers, are attended to, and not merely the popular acceptation. It is admitted that there are vulgarisms and inaccuracies in language, for which general use affords no sufficient justification. It is true that, in dealing with common words, the scientific writer is bound to respect existing usage—to regard language as a precious depositary of ancient observations and ideas, and not to deface or falsify the coins which constitute its currency.[1] Yet, in seeking to restrict vague popular meanings without departing from their prevalent tendency, and in aiming at scientific precision, without imposing an arbitrary signification merely for the sake of clearness, he will find it necessary to look beyond the mere contemporary usage; he must ascend to the origin of the term, and pursue its history through the various changes it has undergone, and the writings of the several authors by whom it has been used. In this research, therefore, the language of the learned few, as well as of the unlearned many, will serve as his guide.

§ 13. Again, as to questions of style and eloquence, the judgment of the people, or at least of the persons to whom the

[1] See this subject treated with great ability by Dr. Whewell, *Philosophy of Inductive Sciences*, b. III. c. 10, § 8; and Mr. Mill, *System of Logic*, b. IV. c. 4, § 6.

composition is addressed, must be taken as the test of its answering the purpose for which it is intended; since, in the department of rhetoric, the object is to make an impression on the hearer or reader, and thus to influence his conviction or rouse his feelings. According to the maxim quoted by Lord Bacon: 'Loquendum ut vulgus, sentiendum ut sapientes.'[1]

But for all compositions, involving an appeal to the reason or the emotions of a circle of readers or hearers, there are two questions to be considered; one, as to success—the other, as to the means by which the success is effected. With regard to success, popular favour is the only criterion, as it is in acting, painting, or any other art which is addressed to the public at large. In this respect, the poet, the orator, or the painter, is in the same condition as a manufacturer or mechanic with respect to his customers. He is the most successful, whose work is most admired by the persons for whom it is destined. As to the goodness of any work of skill, or product of industry, the person who consumes or uses it, and not merely the artist or mechanic who fashioned it, must practically be the ultimate judge. A person who cannot build a house or a carriage will decide for himself whether a house or carriage is built to his liking; and the test of a good dinner is the approbation of the guests, not of the cooks.[2]

On the other hand, it is the business of the philosophical inquirer to determine the *causes* of success, either in oratory or written composition, and to frame a system of rules which will assist the speaker or writer in expressing himself with perspicuity and energy—in adapting his discourse to the taste and feelings of his audience, and in arranging his topics in a convenient order.[3]

[1] *De Augm. Scient.* l. V. c. 4; also, *Advancement of Learning*, vol. II. p. 192.

[2] See Aristot. *Pol.* III. 11; and the epigram of Martial, IX. 82:

> Lector et auditor nostros probat, Aule, libellos:
> Sed quidam exactos esse poeta negat.
> Non nimium curo; nam cœnæ fercula nostræ
> Malim convivis quam placuisse coquis.

'Dans toute judicieuse division du travail,' (says M. Comte,) 'il est clair que l'usage d'un instrument quelconque, matériel ou intellectuel, ne peut jamais être rationnellement dirigé par ceux qui l'ont construit, mais par ceux, au contraire, qui doivent l'employer, et qui peuvent seuls, par cela même, en bien comprendre la vraie destination spéciale.'—*Cours de Phil. Pos.* tom. III. p. 384.

[3] The question as to the test of the goodness of oratory—whether it is to be judged by the applause of critical judges or of the public—is fully discussed by Cicero, *Brut.* c. 49–54. He states distinctly that the goodness of oratory can only be tried by its success, and that the critical judge can only inquire into the causes of that success.

§ 14. But although, in the liberal arts, success depends on the multitude of admirers, yet it does not follow that the standard by which the multitude judge is correct. In the creations of the poet, the orator, the painter, the sculptor, and the architect, not merely the judgment of the multitude, but also that of persons of cultivated and refined taste, concerning the particular object, is to be considered.

With respect to composition, both oral and written, there are canons of criticism, which are established by those who have devoted their minds to a special study of the subject; and there are tests of excellence independent of popular approbation. An impure style of speaking and writing does not recommend itself to fastidious and refined judges, merely because it pleases a popular audience, or a wide circle of readers.[1] A discourse full of tawdry ornament, false brilliancy, far-fetched metaphors, and turgid exaggeration, which might obtain the applauses of an uneducated audience, would offend the taste of a more instructed class of hearers. The same may be said of many popular writings, whose ephemeral success is not a proof of their excellence, tried by a right standard. So, again, when we get below the class of persons who have cultivated a taste for art, a collection of painted wax figures would certainly attract more spectators than a museum of Grecian statues; and a set of highly-coloured pictures, full of contortion

'Etenim necesse est, qui ita dicat ut a multitudine probetur, eundem doctis probari. Nam quid in dicendo rectum sit aut pravum, ego judicabo, si modo is sum qui id possim aut sciam judicare; qualis vero sit orator, ex eo quod is dicendo efficiet, poterit intelligi. . . . Itaque nunquam de bono oratore, aut non bono, doctis hominibus cum populo dissensio fuit. . . . Id enim ipsum est summi oratoris, summum oratorem populo videri. . . . Denique hoc specimen est popularis judicii in quo nunquam fuit populo cum doctis intelligentibusque dissensio. Cum multi essent oratores in vario genere dicendi, quis unquam ex his excellere judicatus est vulgi judicio, qui non idem a doctis probaretur, (c. 49, 50.) Qui præstat igitur intelligens imperito? magnâ re et difficili; si quidem magnum est scire quibus rebus efficiatur amittaturve dicendo illud quicquid est, quod aut effici dicendo oportet aut amitti non oportet.'—c. 54. Compare *De Orat.* I. 3.

[1] Sæpe stylum vertas, iterum quæ digna legi sunt
Scripturus; neque, te ut miretur turbâ, labores,
Contentus paucis lectoribus.
Sat. I. 10, 72. Compare *Ep.* I. 19, 37-40.

Horace seems to imply, by the juxtaposition of these two precepts, that a carefully polished style is not acceptable to the general body of readers. This view certainly appears to be inconsistent with experience. His own universal and long-sustained popularity has been in great measure owing to his *curiosa felicitas* (as it is called by Petronius)—to his laboured felicity of language; and the same may be said of Pope and Gray.

and melo-dramatic postures, would captivate a larger multitude than a series of paintings by Raphael. And, even in the culinary art, the taste of a student of the *Almanach des Gourmands* is, doubtless, more refined than that of a clown; and, in spite of Martial's saying, the judgment of a professed cook is to be regarded, although there may be many guests who would not appreciate his skill.

True excellence in each art is to be decided by the judgment of persons of exercised taste and observation in that art, and not by the opinion of the multitude. Nevertheless, as has been stated, success is measured by popular favour, and is often (at least for a time) independent of excellence tried by the correct standard.[1] Artists cannot, in general, afford to be teachers; they are compelled to adapt their powers of invention and imitation to the varying demands of the popular temper. Actors must accommodate their representations to the public fancy, and must be contented to amuse their audience in the manner in which they desire to be amused, without undertaking to purify or elevate their taste.

> The drama's laws the drama's patrons give;
> For we who live to please, must please to live.

Even artists, however, of all sorts, who are compelled to adapt their performances to the public taste, appreciate the approbation of cultivated and refined judges, and often pursue a disinterested love for the higher departments of their art, without reference to profit or immediate fame. Men of genius, likewise, may create new tastes, and form in the public a new æsthetical sense. But this power, both of forming the appetite, and furnishing the food which it demands, is given to few.[2]

[1] Anacharsis is said to have expressed his wonder that, among the Greeks, professional actors and musicians contended in the theatres for the prize, and that unprofessional judges decided on their merit—Diog. Laert. I. 103, where the commentators cite a passage from Quintilian: 'Felices artes essent, si de illis soli artifices judicarent.' Gellius tells the following anecdote of Menander: 'Menander a Philemone, nequaquam pari scriptore, in certaminibus comœdiarum ambitu gratiaque et factionibus sæpenumero vincebatur. Eum cum forte habuisset obviam; Quæso, inquit, Philemon, bona venia, dic mihi, cum me vincis, non erubescis?'—(*N. A.* XVII. 4.) Aristotle, however, says that the multitude are the best judges of the productions of music and poetry, *Pol.* III. 11.

[2] Valerius Maximus, III. 7, ext. 1, tells an anecdote of Euripides having been required by the Athenian people to expunge some sentiment from one of his tragedies; whereupon he came forward in the theatre, and said that he was in the habit of composing tragedies in order to instruct the people, not in order to learn from them.

Similar remarks apply to the works of the useful arts. Products of this kind must fall in with the general taste, and be suited to the wants and convenience of numbers, in order to be appreciated, and be in demand. In all vendible commodities, public favour is the test of success. The empire of fashion, with respect to taste in building, furniture, dress, gardening, and decoration of all sorts, is notoriously as capricious as it is paramount; and the shifting of public taste in these respects may sometimes remind us of the French proverb, that fools invent fashions, and wise men follow them.[1] We may thus often find that the taste of the public is erroneous; that, in works both of the fine and the useful arts, the people may admire contrary to the opinion of competent judges; and may find excellence in works which the latter condemn, and fail to appreciate what the latter esteem highly; yet the general taste must be accepted as the criterion of success, whether deserved or undeserved.

The *arbitrium popularis aurœ* is decisive as a test of success, where a person seeks to obtain followers, supporters, admirers, or customers. But where he desires to submit his opinions to the standard of truth, it ought to be disregarded, in comparison with the sentence of the few competent judges, either contemporary or future.

§ 15. As the majority of the public are enabled to give currency to their own opinions and tastes, by making a conformity with them the condition of success and worldly prosperity, or, at least, the surest road to its attainment, they ought to be satisfied with this important influence, without attempting to enforce their own standard upon a reluctant minority. 'Experience,' (says Mr. Mill,) 'proves that the depositaries of power, who are mere delegates of the people—that is, of a majority—are quite as ready (when they think they can count on popular support) as any

Compare, also, the anecdote of Antigenidas, a musician, *ib.* 2, who, when a promising disciple of his own was not appreciated by the people, said to him: 'Mihi cane et Musis.'

[1] 'Les fous inventent les modes, et les sages les suivent.'—LEROUX DE LINCY, *Proverbes Français*, tom. I. p. 160. Lord Bacon has a similar remark on superstition. 'The master of superstition is the people, and in all superstition wise men follow fools.'—*Essay* XVII.

'Il est étonnant qu'avec tout l'orgueil dont nous sommes gonflés, et la haute opinion que nous avons de nous-mêmes et de la bonté de notre jugement, nous négligions de nous en servir pour prononcer sur le mérite des autres. La vogue, la faveur populaire, celle du prince, nous entraînent comme un torrent. Nous louons ce qui est loué, bien plus que ce qui est louable.'—LA BRUYÈRE, *Caractères*, c. 12.

organs of oligarchy to assume arbitrary power, and encroach unduly on the liberty of private life. The public collectively is abundantly ready to impose, not only its generally narrow views of its interests, but its abstract opinions, and even its tastes, as laws binding upon individuals. And our present civilisation tends so strongly to make the power of persons acting in masses the only substantial power in society, that there never was more necessity for surrounding individual independence of thought, speech, and conduct, with the most powerful defences, in order to maintain that originality of mind and individuality of character which are the only source of any real progress, and of most of the qualities which make the human race much superior to any herd of animals.'[1]

As soon as we are out of the province of civil government, it is most important to assert the principle of individual independence in matters of opinion, taste, and judgment, as against the principle of numerical preponderance. Whether an individual exercises this independence by forming his own conclusions, or choosing his own guide, it is equally desirable that the majority should not force their opinion upon him against his inclination, by the semi-penal sanction of the popular censure.

[1] *Principles of Political Economy*, vol. II. p. 508; compare vol. I, p. 248. See also some similar remarks of Mr. Grote, in reference to the *Funeral Oration* of Pericles, *Hist. of Greece*, vol. VI. p. 201–2.

CHAPTER VII.

ON THE APPLICABILITY OF THE PRINCIPLE OF AUTHORITY TO THE DECISIONS OF POLITICAL BODIES.

§ 1. FROM what has been said above as to the qualifications of a trustworthy authority, and the province for its proper exercise, we perceive that the best guide is the opinion of persons specially conversant with a subject, and not the general opinion of persons having no peculiar information or experience in the matter; that, whenever an individual acts for himself, and is not fettered[1] by legal rules, he ought to *weigh* opinions, and not to *count* them. Whence it follows, that the persons whose opinion on any subject is endowed with authority, always form *a small minority* as compared with the entire community.

There is, however, one subject in which it is necessary that opinions should be *counted* and not *weighed*; that the greater number should prevail over the less, without reference to the intrinsic value of their opinions, and should decide the practical course of action. This subject is Civil Government, so far as it depends on the decisions of Political Bodies. In the following remarks, I propose to examine the causes of this necessity, and the extent to which its consequences are moderated and counteracted in practice by a voluntary deference to the contrary principle.

§ 2. For this purpose, it will be necessary to trace briefly the historical origin of Political Bodies, and of the principle upon which their mode of action is founded.

In the earliest governments which history presents to us, viz., those of the great empires of Western Asia, everything, from the monarch down to the lowest civil functionary, was organised on the principle of individual action. Being all absolute or despotic monarchies,[1] the principle of a political body was, indeed, neces-

[1] As to all the Oriental governments of antiquity being despotisms, see the passages quoted by Grotius, *De J. B. et P.* I. 3, § 20; particularly Aristot. *Pol.* III. 14. See

sarily excluded from the form of their *supreme* government; the sovereignty always resided in a single person, and not in any council of nobles or popular assembly. But no trace of corporate action—no vestige of the existence of any board, or jury-court, or *collegium*—can be discerned even in any *subordinate* part of the political system of the purely Oriental States; nor have they, at the present day, advanced beyond this very simple and primitive organisation. In this respect, their civil government exactly resembles our military and naval constitution.[1] There is, it is true, a gradation of powers, and a subordination of authority, descending from the Emperor, or Rajah, or Shah, or Sultan, down to the petty head of a village, or the collector of revenue; but each officer acts for himself, on his individual responsibility, without colleagues, and not as a member of a body. In the Oriental States, whenever councils are mentioned, they either are consultative councils of the sovereign or of his minister, destitute of legal power, capacity for corporate action, and real freedom of speech; or else they are assemblies of high officers of state, (like the levees of European princes) in which each person attends in order to pay his court to the Sovereign, or to receive his audience on occasions of state ceremony. In authentic Oriental history, there is no example of an harangue or public address to a constituted deliberative body. Oriental civilisation has never yet reached the stage which is compatible with discussion concerning common interests, by a body of counsellors possessing equal rights, each of them entitled to give advice to the rest, and to express an independent opinion.[2] The qualities essential to oral discussion in a numerous assembly are, toleration of contradiction and censure, with such a power of self-command and suspension of the judgment, as enables a person to listen to, and understand, arguments hostile to his own views—to treat them with deference, and to give them a suitable answer. If these qualities do not prevail throughout the assembly, the assertion of adverse opinions, and their comparison and examination, are rendered impossible; the speaker is interrupted by clamour, vociferation, denials, insults, and threats—the entire assembly becomes a scene of turbulence and confusion, and intelligible debate is at an end. It is partly from the absence of the qualities just

also the remarks of Heeren upon the character of the Asiatic despotisms, *Ideen*, I. 1, p. 423–8.

[1] The reason why the military and naval services, in civilised States, are organised upon this principle, is stated lower down.

[2] See Note A. at the end of the chapter.

described, (which, even in highly-civilised countries, are not very common,) that no Oriental country has ever arrived at discussion in a public body. The absence of deliberative councils or assemblies in Oriental Kingdoms has arisen, however, in part, from the confirmed habit of adulation, and servile compliance with the wishes of the prince, which their despotic system has established. It is true of every Oriental ruler, what Tacitus says of Vitellius: 'Ita formatis principis auribus, ut aspera quæ utilia, nec quicquam nisi jucundum et læsurum acciperet.'[1]

The Greeks were, it seems, the first nation who formed a distinct conception of political management by a Body, and carried it into practical effect. Without this arrangement, a free or popular constitution, such as began to exist in their small city communities before the dawn of authentic history, could not have arisen. Originally, in the Grecian States, the assembly of free citizens was merely convened and consulted by the kings at their pleasure, and did not exercise any legal power; but, in process of time, it obtained a potential voice in the constitution, and its decisions acquired the force of law. This principle of corporate action, and of decision by a majority of voices, was not confined, in the Greek republics, to the general assembly of the citizens, but it was extended to courts of justice, and to smaller councils and administrative bodies, such as the Athenian senate and board of generals, the Spartan Gerusia and board of ephors.[2]

The principle of corporate action in political affairs was borrowed from the Greeks by the republic of Carthage, a colony of the Asiatic Tyrians,[3] and also, perhaps, in later times by the

[1] *Hist.* III. 56. Compare the statements as to Artemisia and Coes, in Herod. VIII. 67-9, and IV. 97; also Dohsson, *Tableau de l'Empire Othoman*, tom. VII. p. 229, with reference to the council of the grand visier: 'Les membres du conseil sont arrêtés par la crainte de contrarier les intentions du premier ministre. C'est en vain qu'il les exhorte, qu'il les presse de parler, qu'il invoque leur zèle pour le bien de la religion et de l'état; on lui répond qu'il est plein de lumières, qu'il possède la confiance et les pouvoirs du maître de l'empire, que c'est à lui à prononcer, à commander, et que l'obéissance est leur unique partage. S'il insiste, ils inclinent de nouveau la tête, et portent la main sur la bouche et sur le front.'

[2] See Note B. at the end of the chapter.

[3] It appears from Aristot. *Pol.* II. 11, that the assembly of citizens at Carthage had both power of debate and decision on questions brought before it by the magistrates. Also, that there was a Gerusia like the Spartan, and a council of 104 members. Compare Bötticher, *Geschichte der Carthager*, pp. 48-51. These institutions could not have been Phœnician, as Heeren supposes, *Ideen*, II. 1, p. 115, but were doubtless borrowed from those of the neighbouring Greek republics in Sicily and Italy. In like manner, the influence of Greek ideas and civilisation had reacted from an early

Jews.[1] Being common to all the Hellenic commonwealths of Greece, Asia Minor, and Italy, it was adopted by the Romans,[2] who, in the development of their empire, gave it all the solidity and definiteness which political and legal institutions acquired in their hands.

The principle of decision by a political body was known both to the Gauls and Germans in their semi-barbarous state; whether as a native institution, or as derived from the imitation of the Greek and Roman usage, is uncertain.[3] But the national assemblies of the Germanic and Gaulish tribes have exercised little influence upon posterity; it is principally through the municipal institutions of the free towns of the middle ages, and partly, also,

period upon the Phœnicians in their own country. See Movers, *Die Phönizier*, vol. I. pp. 82–3.

The Phœnician cities formed a league, of which Tyre was the leading member; and in it (at least in later times) was held a sort of diet, or federal council, having large powers of deliberation.—Diod. XVI. 41. Tyre, however, and the other cities, were each under the government of hereditary kings, (Josephus *cont. Apion.* I. §§ 17, 18; Herod. VIII. 67; Diod. XVI. 42, 43; Arrian, *Al. Exp.* II. 24;) and although the influence of commerce (as Heeren conjectures, *Ideen*, I. 2, p. 20) may have created wealthy and powerful families, and thus have placed some checks upon the regal power—and although they may have acquired from their intercourse with the Greeks some practical notion of a free government, yet, in early times, the constitution of each city was doubtless purely monarchical, after the Oriental model. The detailed account, in Diodorus, XVI. 41–5, of the treachery of Tennes, the Sidonian king, at the time of the revolt against Ochus, shows that the government was, even at that late period, purely monarchical. The silence of Aristotle respecting Tyre, in his *Politics*, likewise proves that its constitution was not popular, like that of Carthage.

[1] The Sanhedrim, or Synedrion, in the Jewish commonwealth, was a body consisting of seventy-two members, whose functions were chiefly judicial. How its decisions were formed does not appear. It is first expressly mentioned at the time of Antipater and Herod, or, at the earliest, in the time of the Seleucidæ. If it decided by a majority, (which is not probable,) its constitution had doubtless been influenced by the contagion of Greek notions.

[2] Dionysius states that, according to the institution of Romulus, it was the province of the king to convene the senate, to assemble the people, to preside over their deliberations, and to carry into effect the decision of the majority.—*A. R.* II. 14. He adds, that the king gave only a single vote in the senate, and that the majority decided; which institution Romulus borrowed from Lacedæmon. See also what is stated of Lucius Junius Brutus, in VII. 36, 39.

Concerning the Roman mode of voting, see *Dict. of Gr. and R. Ant. in Suffragium.*

In the Roman law, a board or political body was termed a *collegium*. A collegium was either a subordinate body under the State, as the collegium augurum, or a fraternity, guild, &c., for a semi-public or political purpose. A similar body was also called universitas. Both these words are now, in English, limited to places of education.

[3] See Note C. at the end of the chapter.

through the councils of the church,[1] that corporate action has descended from the Romans to the civilised nations of the modern world, and has become one of the most familiar ideas and habits of our political existence.[2]

§ 3. The principle of corporate action is, perhaps, the most important improvement which, since the dawn of civilisation, has been introduced into practical politics, and it is the chief instrument of a popular constitution; but, like other political refinements, it is accompanied with many serious difficulties in the working. The complexity of the mechanism sometimes deranges and impedes its action.

In the case of *judicial* and *administrative* bodies, the plurality of members[3] tends to insure a more careful and deliberate consideration of the question to be decided,[4] on account of the diversity of opinions which are likely to be brought to bear upon it, as well as of the variety of appropriate knowledge and information, and of individual character and disposition.

The number of counsellors concurring in the decision, and responsible for it, is a considerable security against precipitate,

[1] The expression *to vote* was borrowed from the practice of the councils of the church, according to Sarpi, l. II. c. 30. (Courayer, tom. I. p. 212.)

[2] As to the nature of a *persona moralis*, compounded of several individual persons, but acting as a corporation or political body, see Puffendorf, *Law of N. and N.* I. 1, §§ 13, 14. Compare Note D. at the end of the chapter.

[3] Ancient writers, both sacred and profane, concur in recommending plurality of counsellors. Thus, *Proverbs*, XI. 14: 'In the multitude of counsellors there is safety.' XVI. 22: 'Without counsel, purposes are disappointed; but in the multitude of counsellors they are established.' So Apollon. Rhod. IV. 1336: πολέων δέ τε μῆτις ἀρείων. Pliny the Younger says, in reference to the influence of an assembly upon the speaker who addresses it: 'In numero ipso est quoddam magnum collatumque consilium; quibusque singulis judicii parum, omnibus plurimum.'—*Epist.* VII. 17, § 10. Compare, however, the remarks above, in ch. 6, § 8.

[4] 'Things will have their first or second agitation: if they be not tossed upon the arguments of counsel, they will be tossed upon the waves of fortune, and be full of inconstancy, doing and undoing, like the reeling of a drunken man.'—Bacon's *Essay on Counsel*.

Βουλὴν ἅπαντος πραγμάτος προλάμβανε,

is a verse attributed to Menander, *Sentent. Sing.* v. 70.

> Deliberandum est diu, quod statuendum est semel.—
> Deliberare utilia, mora tutissima est,

are two proverbial verses of Publius Syrus, v. 166–7. But all such maxims as these must be taken with the limitation, that the deliberation ought to be long and full, where the case admits of delay, and there is no need of prompt action, as in military affairs. No one would call a council to deliberate what was to be done to save a burning house or a sinking ship.

uninformed, and incautious judgments, founded upon partial data. 'We are all (says Locke) short-sighted, and very often see but one side of the matter; our views are not extended to all that has a connection with it. From this defect I think no man is free. We see but in part, and we know but in part, and therefore it is no wonder we conclude not right from our partial views. This might instruct the proudest esteemer of his own parts how useful it is to talk and consult with others, even such as come short of him in capacity, quickness, and penetration; for since no one sees all, and we generally have different prospects of the same thing, according to our different, as I may say, positions to it; it is not inconsistent to think, nor beneath any man to try, whether another may not have notions of things which have escaped him, and which his reason would make use of if they came into his mind.'[1] Hence, when a plan, prepared by one or two persons, is submitted to a consultative body for discussion, the advantage of a number of counsellors is particularly seen, in the amendment of details, in the removal of partial blemishes, and the improvement of subordinate parts. Here numbers do not confuse, if the unity of the original plan is preserved.[2] The number of counsellors also prevents the decision from being determined by the caprices, and the personal friendships or dislikes, of an individual. With respect to an executive body it is likewise often important, that deliberations respecting the application to practice of any general enactment should be assisted by that knowledge of public feeling and expectation on the subject, and of the circumstances of different localities, which is afforded by a plurality of counsellors.[3] The decisions of an executive body may, therefore, be expected to carry more weight, to command more respect, and to be more in accordance

[1] *On the Conduct of the Understanding*, § 3.

[2] 'Reason is of two parts, invention and judgment:—
Judgment is most perfect in an assembly.
Invention is most perfect in one man.
In one man, judgment wants the strength which is in a multitude of counsellors.
In a multitude of counsellors, invention is none at all.'
HARRINGTON'S *Political Aphorisms*, Nos. 111–17, p. 522.

[3] 'And though it were confessed that reason would be better discovered and stated, and conclusions easier made, by a few than by a greater number, yet when the execution depends on the many, and the general interpretation so much depends on the success, and the success on the interpretation, we see those counsels most prosperous, whereof the considerations and deliberations have been measured by that standard which is most publicly acknowledged and received.'—CLARENDON, *Hist. of Reb.* b. VII. vol. IV. p. 287, ed. 1 mo.

with general sentiment, than those of a single functionary, and thus to meet with more ready obedience from the community.

On the other hand, joint deliberation and consultation, and the process of reconciling discordant opinions by compromises and modifications of plans, lead to slowness, irresolution, vacillation, and inaction.[1] Hence, in war, where rapidity of decision, and energy as well as unity of action, are indispensable for success, it is preferable to vest the chief command in a single person, and not in a plurality of generals.[2] Councils of war are proverbially said

[1] Clarendon, *Hist. of Reb.* b. III. (vol. I. p. 319), after dwelling on the too great facility in admitting persons into the king's privy council, proceeds thus:—'By this means the number hath been increased, which in itself breeds great inconveniences, since a less number are fitter both for counsel and despatch in matters of the greatest moment, that depend upon a quick execution, than a greater number of men equally honest and wise; and for that and other reasons of unaptness and incompetency, committees of dexterous men have been appointed out of the table to do the business of the table. . . . And though it hath been, and will be, always necessary to admit to those counsels some men of great power, who will not take the pains to have great parts, yet the number of the whole should not be too great, and the capacities and qualities of the most should be fit for business—that is, either for judgment and despatch, or for one of them at least—and integrity above all.'

Hence the proverb: 'Deliberando sæpe perit occasio.'—PUBL. SYRUS, v. 165.

A person is sometimes admitted into a consultative body, in order to neutralise his opposition, by advising with him in the first instance. A character such as that described by Tacitus is, unfortunately, not very uncommon: 'Consilii quamvis egregii, quod non ipse adferret, inimicus, et adversus peritos pervicax.'—*Hist.* I. 26.

[2] Accordingly, Homer, who looked on a king chiefly as a commander in war, says:—

οὐκ ἀγαθὸν πολυκοιρανίη· εἷς κοίρανος ἔστω,
εἷς βασιλεύς. *Iliad*, II. 204.

Compare the advice of Hermocrates to the Syracusans concerning their fifteen generals, Thucyd. VI. 72, and the proverbial verse:—

πολλοὶ στρατηγοὶ Καρίαν ἀπώλεσαν.
DIOGENIAN. VII. 72.

In the year 309 U.C., the consuls, T. Quinctius and Agrippa Furius, being sent on an expedition against the Æqui, the latter consented that the entire command should be entrusted to his colleague. Livy, describing this event, says: 'In exercitu Romano quum duo consules essent potestate pari; quod saluberrimum in administratione magnarum rerum est, summa imperii, concedente Agrippa, penes collegam erat.'—III. 70. Again, in 329 U.C., three tribunes, with consular power, were sent against the Fidenates and Veientines, and their dissensions caused the expedition to fail, on which Livy remarks: 'Tres, delectu habito, profecti sunt Veios, documentoque fuere, quam plurium imperium bello inutile esset. Tendendo ad sua quisque consilia, quum aliud alii videretur, aperuerunt ad occasionem locum hosti.'—IV. 31. See the comment of Machiavelli, *Disc.* III. 15, upon these passages. He concludes thus: 'Il che è contrario a quello che oggi fanno queste nostre repubbliche e principi, di mandare ne'luoghi, per ministrarli meglio, più d'un commissario e più d'un capo, il che fa una inestimabile

never to fight.[1] The same reason applies, indeed, to the entire organisation of the military and naval services, from the highest to the lowest. It is to be borne in mind, that unity of command does not exclude voluntary consultation with others. A military commander, having an undivided power, is not, indeed, encumbered with field deputies, whose consent he must obtain—or a council, in which the voices of others are equal to his own; but there is nothing to prevent him from gathering the opinions of others, or asking advice from those competent to give it.[2]

From these few remarks, it will be seen that the governments of civilised nations act wisely in intrusting judicial and administrative powers, sometimes to one person, and sometimes to a body of several persons, according to the nature of the functions to be performed.

§ 4. The advantages arising from a plurality of members, indicated above, exist also with respect to a *legislative* body; but in this case there is another important reason for the adoption of the corporate constitution. Unless a Dictator, voluntarily chosen by

confusione. E se si cercasse la cagione della rovina de li eserciti Italiani e Francesi ne'nostri tempi, si troverebbe la potissima cagione essere stata questa.' Compare also the remarks of Mr. Macaulay, *Hist. of England*, vol. I. p. 542, who refers to the well-known example of the Dutch deputies. Livy, in comparing the Roman captains with Alexander the Great, points out, among the disadvantages to which the former were subject, the short period of their command, and their liability to have their plans hindered by the incapacity or ill will of a colleague. 'At, hercule (he continues) reges non liberi solum impedimentis omnibus, sed domini rerum temporumque, trahunt consiliis cuncta, non sequuntur.'—IX. 18. The unity of command in war is at its maximum, when the general is not only unincumbered with a colleague or a council, but is also the sovereign of the country, and therefore receives no instructions from home. Now this state of things, as in the cases of Frederic the Great and Napoleon, is the most favourable for military success.

[1] In the earliest, as well as, perhaps, the most interesting council of war which is on record—viz., that held before the battle of Marathon, the decision was carried in favour of fighting (as was stated in a previous note) only by the casting vote of the Polemarch Archon.

Clive called a council of war before the battle of Plassy, which decided by a majority of thirteen to seven against fighting. Clive, however, disregarded the decision of the council, in which he had himself concurred, and commenced the action. On this occasion Orme remarks: 'It is very rare that a council of war decides for battle; for as the commander never consults his officers in this authentic form but when great difficulties are to be surmounted, the general communication increases the sense of risk and danger, which every one brings with him to the consultation.'—*Hist. of Hind.* vol. II. p. 171. See Thornton's *Hist. of the Brit. Empire in India*, vol. I. pp. 235, 281.

[2] Quid fieri debeat tractato cum multis: quid vero facturus sis, cum paucissimis ac fidelissimis, vel potius ipse tecum.—VEGETIUS *de Re Mil.* III. c. 26, who includes this rule among the general maxims of war.

the people, is to be considered a popular form of government,[1] without a corporate action of the supreme legislature, a popular constitution cannot exist. Whatever advantages, therefore, belong to a popular or non-despotic form of government, whether aristocratic or democratic, they can only be obtained by vesting the supreme power in a body of persons. Without this arrangement, no government except a pure monarchy or despotism can exist.

Supreme political bodies have, even in ancient times, generally delegated to single functionaries, or to small boards or tribunals, the chief part of their executive powers; so that the only part of their power which they exercise constantly is their legislative power. Now, in general, the necessity for *immediate* action does not exist with respect to the making of laws; and therefore a legislative body possesses the advantages of consultation which arise from a number of counsellors, without the disadvantage of hindering prompt and decisive action, which springs from the same cause. It may be added, that a sovereign body generally delegates to subordinate officers the power of making subsidiary laws, the nearest to practice, in which delay is most inconvenient, and which require the most frequent alterations.[2]

§ 5. Now, whenever any deliberative political body, or *collegium*, exists, whether its functions be legislative, judicial, or administrative, there arises a necessity of determining the manner in which its decisions are to be formed; that is to say, whether

[1] See Grote, *Hist. of Greece*, vol. III. p. 130. In the Greek republics, such a dictator was called an αἰσυμνήτης. αἱρετὴ τυραννίς.—ARISTOT. *Pol.* III. 9, 10; cf. IV. 8.

[2] 'La différence qu'il y a entre la monarchie et les deux autres formes de gouvernement, *et qui rend la première beaucoup plus commode que les dernières*, c'est que dans les démocracies et dans les aristocracies, il faut qu'il y ait certains lieux réglés, pour pouvoir délibérer et faire des ordonnances, c'est à dire, pour exercer actuellement l'autorité souveraine: au lieu que dans une monarchie, du moins lorsqu'elle est absolue, le souverain peut délibérer et donner ses ordres en tout temps et en tout lieu, de sorte que, comme le disoit un ancien, "Rome est partout où se trouve l'Empereur." En effet le peuple, et les sénateurs, n'étant qu'un corps moral, ne peuvent agir sans s'assembler. Au lieu que le monarque est une seule personne physique et individuelle; et par conséquent il a toujours un pouvoir prochain, d'exercer les actes de la souveraineté.'—PUFFENDORF, *Droit de la Nature et des Gens*, VII. 5, § 9; trad. de Barbeyrac.

If this argument held good, the superiority of a purely monarchical to a popular form of government would be unquestionable. But the difficulty here indicated is, in limited monarchies and republics, obviated by a delegation of the *executive* power to single functionaries, the only power which requires to be exercised on a sudden. In general, no serious inconvenience arises from the necessity of convening an assembly for the exercise of the *legislative* sovereignty. Even these rare exceptional cases are provided for in modern free constitutions.

the concurrence of all, or only of a portion, of the members, and if so, of what portion shall be required.

§ 6. In the case of a court of justice, or an administrative board, consisting of a small number of persons, it may be sometimes possible to render unanimity necessary to its decisions.

Trial by jury, as organised in England and the United States, affords an example of an unanimous decision by a judicial body of twelve persons; and a large part of the civil and criminal jurisdiction of these countries is founded on this antique institution. It gives rise in practice to many inconvenient results, such as unmeaning compromises, tossing up for verdicts, the necessity of urging the jury to a decision by debarring them from food while they are in consultation; but it has been found consistent with a regular, if not a very intelligent, administration of justice. In other countries, where trial by jury has been long practised or recently introduced, the rule of unanimity has not been followed, and the verdict of a simple majority, or some other proportion, of the jury has been received. According to the law of Scotland, the jury in criminal cases (except that of treason) consists of fifteen, and they decide by a simple majority. In Jersey and Guernsey the Royal Court, consisting of twelve jurats, also decides by a simple majority. In France, before the Revolution of 1830, the jury, in criminal cases, consisting of twelve, decided in the same manner; but, by an alteration made in 1831, a majority of two-thirds, or of eight to four, was required.[1]

The difficulty of obtaining an unanimous decision, even from small judicial and administrative bodies, is indeed so great, that (however desirable it might be to require unanimity) the almost universal rule is, that their decision is made by a simple majority. The necessity of unanimity in a small body, judicial or administrative, does not, it may be observed, ensure a careful consideration, as the agreement may be the result of a blind reliance on the opinion of one or two of the members of the body, or it may be produced by a senseless compromise. Lord Campbell, in his *Lives of the Chancellors*, says of Lord Eldon: 'I have heard him cite with great glee, a saying of Lord Thurlow—that the decrees of the Scotch judges were least to be respected when they were *unanimous*, as in that case they probably, without thought, had followed the first of their number who had expressed an opinion;

[1] *Code d'Instr. Crim.* Art. 347.

whereas, where they were divided, they might be expected to have paid some attention to the subject.'[1]

§ 7. In bodies belonging to, or composing, the supreme legislature, (such as the Ecclesia in the Greek Republics, the Roman Senate, the Houses of Parliament in England, the Chambers in France, Belgium, &c., the various legislative bodies of the United States,) it has been the constant practice for the decision to be determined by a mere majority. The same rule likewise obtains in subordinate legislatures, as in colonial Houses of Assembly.

In legislative assemblies, as in judicial and administrative bodies, it would doubtless be desirable to obtain the concurrence of all the members to the decision. In many simple questions, and in which the feelings or interests of the members of the body are not involved, this unanimity is practicable, and often occurs. But in other questions, and those the most important, irreconcileable differences of opinion always prevail among the members of such an assembly, and unanimity of decision is therefore impossible. To require unanimity for the acts of such a body, would be to renew the evils of the Tribunitian power of Rome, or the Liberum Veto of the Polish Diet;[2] it would place the assembly at the mercy of any perverse, factious, or corrupt person, who happened to be one of its members—as he might, by his single voice, arrest its action and paralyse all its proceedings. Entire unanimity, therefore, is plainly inconsistent with the habitual working of such a body; and so great are the difficulties of obtaining the concurrence of a large body of men, to a uniform plan of political management, or even to a complex legislative measure, amidst the distractions and disturbances caused by the alternations of popular feeling, that it has been found inexpedient to require the consent of more than a majority in supreme legislative bodies, and the practice of deciding by a plurality of votes has met with universal acquiescence.

It seems scarcely necessary to prove that, if the decision is not to be unanimous—if the concurrence of all the members of the body is not required—it must be made by a majority, and not by a minority, however determined. If a minority could prevail over the majority, those who were in favour of a proposition would vote

[1] Vol. VII. p. 665.

[2] Concerning the Liberum Veto, see Lord Brougham's *Political Philosophy*, vol. II. p. 81. The United Provinces, on questions of great importance, also admitted this mode of voting. See Barbeyrac's note on Puffendorf, VII. 2, § 15.

against it, or would abstain from voting, in order to insure a minority to their side of the question. Besides, there would be no inducement to discuss a question, if, by converting a person to your opinion, you did not strengthen your side in the division when the votes came to be counted. It would be unprofitable to pursue this argument further, as it is obvious that the hypothesis of the minority of a political body prevailing, by their votes, over the majority, leads to all sorts of practical absurdities.

§ 8. Whenever the mode of deciding by a majority of votes obtains, whether it be a legislative assembly, a court of justice, or an administrative board, the opinion of the greater number of the members of the body, properly ascertained and authenticated, acquires the legal effect and power of the opinion of the entire number.

This majority is, in general, any number greater than half the entire number: for example, 51 out of 100 votes. When the numbers on both sides are even, the president or chairman may have a casting vote,[1] or the question may be lost,[2] or (in the case of a judicial proceeding) the accused party may be acquitted.[3] Sometimes a majority of two-thirds, or some number greater than a bare excess over a moiety, may be required.[4] This has been the

[1] A *casting vote* may mean either one of two things. It may mean that the president may give a second vote in case of equality; or, that he may only give his one vote, in cases where, without his vote, the numbers are equal. Concerning a casting vote, see Rutherforth, *ib.* § 3.

[2] The rule of the House of Lords, in case of equality of votes, is—'Semper præsumitur pro negante.'—May's *Law of Parliament*, p. 215.

[3] The rule that, where the votes were equal, the accused was acquitted, obtained both in the Athenian and Roman law. See Æsch. *Eum.* 752–3; Eurip. *El.* 1268–9; Aristot. *Problem.* XXIX. 13; *Dig.* 42, t. I. l. 38. Numerous reasons for this humane regulation are assigned by Aristotle, *ibid.* Also, Senec. *Epist.* 81, § 25. 'Reus sententiis paribus absolvitur, et semper quicquid dubium est, humanitas inclinat in melius.' Compare Grotius, *ib.* § 18; Puffendorf, VII. 2, § 17; Rutherforth, *ib.* § 3. The Athenian legend supposed the last white ball, in the trial of Orestes by the court of Areopagus, to have been placed in the urn by Minerva, which vote rendered the numbers equal, and thus Orestes was acquitted. As this vote decided the question, the ψῆφος Ἀθηνᾶς, or calculus Minervæ, came to mean a *casting vote* generally. See Dio Cassius, LI. 19. I cannot accede to the interpretation of Otfried Müller, in his *Dissertation on the Eumenides*, § 73, who supposes that the votes of the Areopagites are equal, and that Minerva gives the thirteenth vote. According to this view, Orestes would have been already acquitted before she gave her vote, and the all-important calculus Minervæ would have decided nothing. The rule of acquittal by equality of votes is evidently understood to be in existence at the trial of Orestes; and the decisive or casting vote was called the vote of Minerva by the Athenians, on account of her supposed decision on this celebrated occasion.

[4] Grotius, *ib.* § 20.

rule of voting in some confederations of States,[1] where, on account of the imperfect fusion of the members, the minority is unwilling to be bound by the act of the mere majority. According to the canon law, the pope is elected by the votes of two-thirds of the cardinals.[2] A similar majority was required, in certain cases, for the votes of the Athenian judges, and is sometimes rendered necessary by our law in the voting of municipal bodies. In the constitution of the United States, this rule of voting occurs several times. Thus, a member of either house of congress may be expelled by the votes of two-thirds of the members; a bill which has been rejected by the president becomes a law, if it is passed, on re-consideration, by two-thirds of each house; the president can make treaties with the consent of two-thirds of the senators present; when two-thirds of both houses concur, a convention for making amendments in the constitution may be called, and these amendments may be made by three-fourths of the States.

In reckoning the majority, the body may be considered as consisting of its *entire* number of members, as the English grand jury, which is properly composed of twenty-three members, and, therefore, a verdict of less than twelve cannot be received. Or it may be considered as consisting only of the members voting on the particular question. The latter is the ordinary rule; but, in this case, a minimum number, or quorum, whose presence is necessary, is established.[3] Thus it may be laid down that, in the case of a division, one-half, or some other proportion of the entire body, must be present and voting. According to the Roman law, the act of a majority of a collegium was only valid when two-thirds of the entire body were present.[4] In the English House of Commons, there must be at least forty members voting in a division.

Moreover, the votes of the members actually present at the meeting of the body may alone be received, or absent members may be allowed to signify their vote in writing, or to vote by proxy, as in the House of Lords.[5]

[1] For example, the German and Swiss.

[2] Walter's *Kirchenrecht*, § 228.

[3] As to the reasons for establishing a quorum, see Story's *Commentaries on the Constitution of the U. S.* vol. II. §§ 832–3.

[4] *Dig.* III. 4, § 3; *Cod.* X. 32, § 46. According to the common law of England, the act of the major part of a corporation is esteemed the act of the whole 1 Blackst. *Com.* p. 478; and by 33 Hen. VIII. c. 27, the act of the 'more part' of every college or other corporation is valid, notwithstanding that the local statutes may have given power to a single member to prevent such act.

[5] Concerning the votes of absent members, see Grotius, *ib.* § 20; Rutherforth, *ib.* § 5.

§ 9. Decision by a majority places all the members of the body upon the same footing, and gives an equal value to the opinion of each. It makes no distinction between them as to competency, but allows the same weight to the vote of the persons most able, and of those least able to form a correct judgment upon the question to be decided. It therefore proceeds upon a principle directly opposed to the principle adopted voluntarily by those who are not restrained by legal rules—in guiding their practical conduct by the opinions of others, *they* look not to numbers, but to special fitness.[1]

The necessity, however, of having recourse to this principle arises from the nature of political government, and the expediency of a coercive supreme power which it implies. Whenever the ultimate decision is vested in a body, there is, by the supposition, no ulterior authority which can, in case of difference of opinion, determine who are competent judges and who are not. There is, therefore, no other alternative than to count the numbers, and to abide by the opinion of the majority. The contrivance may be rude, but it is the least bad which can be devised.[2]

A decision by the majority of a political body is, in some respects, analogous to a battle between the armies of two independent nations. It settles a question which must be settled, and which cannot be settled in any other manner. The one is an appeal to physical force—the other is an appeal to moral force; it

[1] Anacharsis is reported to have expressed his wonder that, in the legislative assemblies of the Greeks, the wise spoke and the ignorant decided.—PLUTARCH, *Solon*. c. 5.

Referring to a decision of the Roman senate, of which he did not approve, Pliny the Younger says: 'Sed hoc pluribus visum est. Numerantur enim sententiæ, non ponderantur: nec aliud in publico consilio potest fieri: in quo nihil est tam inæquale quam æqualitas ipsa. Nam quum sit impar prudentia, par omnium jus est.'—*Epist.* II. 12.

Cicero lays it down, not with reference to votes, that citizens must be weighed, and not counted. 'In dissensione civili, quum boni plus quàm multi valent, expendendos civos, non numerandos puto.'—*De Rep.* VI. 4. There is no reason for limiting this remark to times of civil war.

Bodinus is of opinion, that the principle of decision by a majority is incurably defective. Arguing against the probability that the voices of the better citizens will predominate, either in an aristocracy or a democracy, he says: 'Utrumque imperio inutile est, propterea quod in omni cœtu ac universitate, seu optimatum, seu populi totius, suffragia non ad pondus exiguntur, sed ad numerum; ac optimorum bona pars semper a deteriore superatur: quo fit ut optimorum paucitas in magnâ multitudine, perinde ut salis scriptulus in lacu, nullam vim exserere possit.'—*De Rep.* VI. 4, (p. 1103.)

[2] See Note E at the end of the chapter.

is the right of the stronger reduced to a legal expression. This view is implied in the verses of Prudentius, quoted by Grotius:

> Infirma minoris
> Vox cedat numeri, parvâque in parte silescat.
> *Contra Symmach.* I. 606-7.

Nobody, however, supposes that such a decision does more than determine the legal question; nobody imagines that it concludes the moral question of what *ought* to have been the decision, more than a battle decides the question as to the righteousness of the cause of the victorious army:[1] it hardly raises a presumption in favour of the winning side. No historian, in discussing the justice or propriety of any decision of a legislative body, or of a court of justice, thinks of defending the decision of the majority by saying that it *was* the decision of the majority.

Hence, too, in the management of a popular assembly, there is a tactic which is beyond the mere argumentative defence or attack of a legislative measure, or course of policy. There is a skill analogous to that of the military commander; and there is a triumph in success, which is not always dependent on the mere goodness of the cause. The same remark applies, though in a minor degree, to the arguments of advocates addressed to a judicial tribunal deciding by plurality of votes.

A supreme political authority might, after having referred a question to several persons, be guided by the opinion of the most competent judges among them, disregarding the preponderance of numbers. In like manner, a court of appeal would naturally be influenced in its decision by the *character* of the judges in the inferior court, and not merely by their *number*, in case those judges were divided in opinion. But this discrimination is only possible, because these are subordinate and not supreme bodies.[2]

[1] 'Thou shalt not follow a multitude to do evil,' (*Exod.* xxiii. 2,) is an ancient maxim, which has never been disputed, however often it has been violated.

'*Il faut faire comme les autres:* maxime suspecte, qui signifie presque toujours, *il faut mal faire*, dès qu'on l'étend au-delà de ces choses purement extérieures qui n'ont point de suite, qui dépendent de l'usage, de la mode, ou des bienséances.'—La Bruyère, *Caractères*, ch. 12. The verse of Juvenal, (II. 46)—

> 'Defendit numerus, junctæque umbone phalanges'—

is the expression of the fact, not its justification.

[2] It has been remarked, above, that the Pope is elected by two-thirds of the conclave of cardinals. The canon law, however, adds that this rule does not apply to other churches, where the opinion, not only of the majority, but of those whose judgment is *the soundest*, is to prevail. Puffendorf, *Law of N. and N.* VII. 2, § 16,

§ 10. The necessity of decision by a majority in a political body,[1] whether its power be legislative, judicial, or administrative, is a defect inherent in the nature of corporate action. There is, indeed, no infallible security for the right decision of practical questions in politics, as in other matters. Unfortunately the judgment of the wisest counsellors is very far from infallible.[2] But the decision of competent judges is less likely to be erroneous than that of incompetent ones; and if any means of discriminating between them could exist, it would undoubtedly be desirable that the decision should be confined to those who are most able to form a sound opinion.

§ 11. There are, however, several circumstances, both in legislative and executive bodies, which, in spite of the principle just mentioned, tend to guide the body to a right decision, and to give a considerable degree of weight to the opinions of the more competent judges.

First, in courts of justice, consisting of several judges, and in administrative bodies, joint consultation necessarily exists; by which means the opinions of the ablest, the most experienced, and best informed members, will naturally be brought before the entire body, and will in general produce their effect in gaining the assent of the other members. In any tolerably numerous executive body, however composed, the persons of sound practical judgment, combined with the appropriate knowledge and experience, may be always expected to be in a minority; but their opinion is likely to be voluntarily adopted by the majority. Moreover, the members of a judicial or administrative body generally divide the business among one another, according to their respective qualifications;

properly remarks, that this rule is only possible in cases where there is a superior to decide who are the persons having the soundest judgment. Walter, *Kirchenrecht*, § 226, states that it is no longer observed, as it would lead to interminable discussions.

[1] The remarks in the text are limited to *political* bodies; but they apply equally to councils, synods, and other ecclesiastical bodies having the *ultimate* decision of questions of religious doctrine. Whatever claim they might make to a supernatural guidance, their decision has, in fact, been determined by the numerical majority of votes. See, on this subject, the dictum of Seldon, in his *Table-talk*, Art. *Council*. They apply likewise to voluntary societies—of a private nature—exercising for themselves the power of decision.

[2] 'Quanto sieno false molte volte le opinioni de li uomini, l'hanno visto e veggono coloro che si trovano testimoni delle loro deliberazioni, le quali molte volte se non sono deliberate da uomini eccellenti, sono contrarie ad ogni verità.'—Mach. *Disc.* II. 22. Bayle, *Œuvres*, t. III. p. 205, also has a passage on the erroneous decisions of popular assemblies, and remarks that the liability to err is not confined to those of antiquity.

so that each person is principally occupied about those questions with which he is most conversant.[1]

Secondly: wherever the members of courts of justice and administrative bodies are selected by the government, in a civilised State, the selection is made under circumstances which insure a considerable degree of fitness on the part of the person appointed. The choice, even in the European countries under a despotic government, is influenced by a sense of responsibility to public opinion, and often by a sincere desire to appoint a fit person, even if it is merely for the sake of facilitating the operations of the governing power. In many cases, too, the choice of the government is practically limited to persons having the requisite professional qualifications—as in the appointment of members of military or naval boards, or of courts of justice. Although the person appointed may not be absolutely the best whom the profession might have supplied, yet he has the special qualifications suited to the office. Consequently, in an executive body, the number of persons qualified to form a correct opinion upon the questions submitted to it may be expected to be a large proportion of the whole—the quantity of dross, as compared with that of the purer metal, is likely to be small.

§ 12. In a supreme legislative body, the decisions are always preceded by joint consultation and debate; and therefore (as in executive bodies) the opinions of the ablest and wisest members, particularly if they possess the gift of eloquence, or even of perspicuous and forcible statement, are likely to influence the rest of the assembly. Hence, although each question is decided by the votes of the majority, the votes of the majority are generally determined by the opinions of the minority.[2]

The manner in which the opinions of the majority of a numerous legislative assembly are influenced by the opinions of the minority, depends upon its constitution and character. In the

[1] This is analogous to the reference, in a legislative assembly, of certain questions to select committees; of which more will be said lower down.

[2] Laplace, *Essai Philosophique sur les Probabilités*, p. 158, ed. 5, admits that the probability of the decisions of an assembly cannot be subjected to calculation; but he lays it down, as a general maxim, that if the question is of such a nature that it is more than an even chance that each member of the assembly will form an erroneous opinion upon it, then the decision of the assembly will probably be wrong. Hence he concludes that numerous assemblies ought to decide only upon questions which are within the comprehension of the multitude. This reasoning entirely overlooks the fact, that members of an assembly who do not understand a subject may place themselves under the guidance of persons on whose judgment they may safely rely.

assemblies of the ancient republics, which consisted of the entire body of citizens, the attendance was uncertain and infrequent, the numbers were large, and no system of political party could be organised amongst the persons who met for the occasion. In Athens, and the Greek democracies generally, the popular assembly was for the most part guided by some powerful leader and orator, whose influence was sometimes beneficial and sometimes mischievous, but who swayed the judgment of the people by his counsels, and gave a practical effect to the principle of authority. At Rome, the great party leaders—by their military successes, their enormous wealth, and consequent means of acquiring popularity—were able to enlist numerous adherents to their cause, and to determine the elections of magistrates and the vote of the popular assembly, but their following was purely personal—the attachment was to Sylla, or Marius, or Cæsar, or Pompey, and not to any public cause; and the system was essentially unlike the party organisation of modern States.[1] The same was also the case, to a great extent, with the parties in the Italian republics. Although the Guelfs and Ghibellines, the Bianchi and Neri, &c., professed to have a principle, in a short time they had only a name; and the party divisions were mere struggles for political power under rival leaders.

In the legislative assemblies of modern States, the system of political party is organised in such a manner, as to afford a more effectual assistance to the disposition of the majority, to defer to the opinions of the most competent judges within its own circle. Unlike the numerous and fluctuating assemblies of citizens in the ancient republics, a representative assembly consists of a limited and comparatively small number of persons—whose attendance is more or less regular, and who thus acquire a sort of professional acquaintance with the business and forms of legislation. They are thus able to form themselves into parties and knots of members, who are in the habit of consulting and acting together; they likewise become aware of each other's characters and capacities; and they are able to estimate fairly the weight due to the opinion of each upon the subject to which it relates. The person whom each party select as their leader guides their proceedings

[1] Speaking of the popular assemblies of the Romans, Cicero says: 'Concio, quæ ex imperitissimis constat, tamen judicare solet quid intersit inter popularem, id est, assentatorem et levem civem, et inter constantem, severum, et gravem.'—*De Amic.* c. 25.

by his advice, appears as their organ in the public deliberations, and generally determines their vote by his opinion. If the leaders of the several sections and parties in the assembly are well selected, the inconveniences arising from the naked operation of the numerical principle of decision are powerfully counteracted.

The system of parties in a legislative body leads to preliminary and separate discussions among its members, out of the chamber, upon the questions to be discussed within it, and to a prior settlement of the course which each party is to take. This renders the assembled body less accessible to the influence of speeches delivered in its debates, and prevents it from being carried away by the sudden and vehement impulse of an impassioned appeal to its feelings. A greater ascendancy is thus secured to calm and prudent counsels than in the ancient republics—where the citizens generally came together without any fixed opinion, and were convinced by the speech of the most eloquent demagogue.

To a great extent, however, the proceedings of every legislative assembly are influenced (particularly *after* the debate) by the public discussions of its members; and, in proportion as the ablest, the wisest, and the most competent to guide its counsels, take a prominent part in its deliberations, the greater is the probability of its decisions being correct, and its policy consistent and steady. It may be observed that the effect of deliberations, in inducing the bulk of the assembly to adopt the opinions of its ablest and wisest members, is materially assisted by the publication of the debates, through reports in the daily newspapers. The arguments advanced on both sides of a question can thus be sifted and compared at leisure by the public, out of doors; the chances of justice being done to a really sound and well-supported argument are increased; the nature of factious and dishonest votes is more generally understood, and the conduct of those who resist good advice is better appreciated. Unquestionably, the success of a representative system of government has been materially facilitated by the invention of printing.

Another check upon the majority of a deliberative assembly is derived from the forms of its proceedings. These forms are generally so arranged, as to secure to the minority the power of stating their objections both to the principle and details of every measure proposed for adoption by the assembly, and of retarding its progress by adverse criticism, and the moving of amendments. The forms of the English House of Commons are avowedly contrived

for the protection of minorities; and they are so effectual for their purpose, as frequently to defeat the will of the great body of the House, and to enable a few members to resist, at least for a time, a measure desired by the majority.

The precise nature of the regulations for conducting the business of a deliberative assembly is not here in question; but it is important to observe, that the securing of due weight to the opinions of the minority, and a limitation of the immediate action of the majority, listening to no compromise, and proceeding straight to its end—is admitted to be a legitimate object of the forms of such a body. Even the permission sometimes given to members of a minority to enter protests, in an authentic form, against the decisions of the majority is, to some extent, a security against improper or hasty decisions. In general, however, (as we shall see presently,) it is desirable that, when the decision has once been made, no steps should be taken for weakening its effect, and that it be considered as the decision of the whole, and not merely of a part of the body.

Another contrivance in the proceedings of a legislative assembly, for obviating the evils of decision by an uninformed majority, and securing due weight to the opinion of a few competent judges, is the reference of subjects to the deliberation and examination of select committees of its members. The members of the body selected for acting on such committees are naturally those who are best qualified, by their experience, knowledge, and mental capacity, to form a right judgment on the matter. The opinion of such a committee, although consisting only of a small fraction of the entire body, generally carries weight with the majority, in proportion as the credit of its members stands high for good sense and intelligence, and for peculiar qualifications in the given case; and also according as they have investigated the subject with diligence and impartiality.

A further support to the minority of a legislative body is afforded by the institution of a double chamber, or what some writers have termed *bicamerism*.[1] Whenever the majorities of both chambers are agreed on any question, this effect is not produced; but if they happen to differ, the majority of one chamber may support the minority in the other. If this state of things was permanent, or even frequent, the legislative power

[1] See this subject fully discussed in Story's *Commentaries on the Const. of the U. S.* b. III. c. 8.

would be paralysed, the constitution would not work, and a revolutionary struggle would be the consequence; but if the differences between the two houses are not serious or frequent, and (when they occur) are terminated by amicable compromises, some protection to a minority in one of the houses may for a time be afforded.

From these considerations it results that, although the decision by a majority, both in executive and legislative bodies, is opposed to the principle which we generally follow for obtaining rectitude of judgment, where our course is free, and unfettered by legal rules, nevertheless it is necessary for securing the advantages of corporate action; and that the evils flowing from the plan of counting votes, without reference to their intrinsic value, are counteracted and neutralised, to a great extent, not only by the forms of business contrived for the purpose of controlling the direct and simple action of the numerical principle, but also by the spontaneous homage of the individual members of the body to the principle of authority.

§ 13. In all cases where the act of the majority of any political body is valid, it is highly desirable that the decision, when come to, should be considered *as* the act of the entire body; that the comparative numbers of the majority and minority should not be adverted to as a ground for impugning the decision; and that the law or other act should be obeyed without any question of its validity, on the ground of the smallness of the majority by which it may have been carried. Decision by a majority is a mode of cutting a knot which cannot be untied; it is, therefore, on every account expedient that the knot should be cut effectually.

For a similar reason, it is fitting that any section of a deliberative body, who may be unable to induce the majority to adopt their propositions, should acquiesce in its decisions, and should continue to attend its meetings, without seceding, on the ground that their advice is disregarded. In every popular assembly there is a minority which is unable to carry its views; and if such minorities were to be discouraged by the rejection of their motions, and to withdraw from their duties, the ultimate success of their opinions could never take place, at least, not in consequence of their exertions. Unless a defeated minority is willing to act upon this principle, the unity of the body is weakened and impaired, and a disruption is produced, similar to that which took place in the

Roman State when the Plebs separated themselves from the rest of the citizens, and seceded to the Mons Sacer.[1]

§ 14. It is likewise fitting that the members of a majority should bear in mind, that their assent to the propositions of the leaders of the assembly is voluntary; that the advice which is tendered to them by members of their body is merely advice, which they can reject or adopt, as they think fit; and that, when any measure has been sanctioned by the deliberate vote of the assembly, it becomes the act of the entire body, whoever may have been its author and proposer. Unless this principle is kept in view, there is a tendency, when any measure has proved unsuccessful, (either from its own defects, or from untoward circumstances, or from the unskilfulness or neglect of the persons charged with its execution,) to throw the blame upon its originator, and to forget that it was deliberately approved and accepted by the entire body.[2]

§ 15. It has been remarked above, that with respect to the

[1] At the congress of the Achæan League, in 198 B.C., when the proposal of an alliance with the Romans was made, no one would speak. Aristænus the prætor, after urging them to deliver their opinions, concludes his exhortation thus: 'Ubi semel decretum erit, omnibus id, etiam quibus ante displicuerit, pro bono atque utili fœdere defendendum.'—Livy, XXXII. 20. Compare Thirlwall, *Hist. of Gr.* vol. VIII. p. 301. In Polyb. V. 49, and Dion. Hal. *A. R.* XI. 56, there is likewise the expression of the same principle. Pliny states that, in the proceeding on a complaint of the Bithynians against Varenus, their pro-consul, a question was decided in favour of Varenus by the senate, and was afterwards, on an appeal to the emperor, remitted by him to the senate for their re-consideration. When the point was discussed on this re-hearing, most of the members who had voted against Varenus on the former occasion now voted for him; alleging that they were bound by the act of the majority:—'Singulos enim, integrâ re, dissentire fas esse; peractâ, quod pluribus placuisset, cunctis tuendum.'—*Epist.* VI. 13. Mr. Grote, *Hist. of Gr.* vol. IV. p. 478, remarks upon 'the admirable conduct of the five dissentient generals [at Marathon], when out-voted by the decision of the polemarch against them, in co-operating heartily for the success of a policy which they deprecated.' Story, *Comm. on the Const. of the U. S.* § 833, also speaks of the 'baneful practice of secession.'

[2] Xenophon, *Rep. Ath.* II. § 17, complains that, if any evil consequence results from a measure agreed to by the people, they attribute it to the authors and advisers of the measure, who, they allege, persuaded them to it, contrary to their interest. Machiavel also remarks upon the tendency of the people to visit the failures caused by its own rash and foolish counsels upon the heads of its instruments, *Disc.* I. 53. He points out, in another place, the disposition of men to judge merely by the result, and the consequent danger of advising either a prince or a people; for if the advice turns out ill, the blame is imputed to the counsellor, even by those who voluntarily adopted it, having the power of rejection. Hence, he recommends every counsellor to give his advice with moderation and calmness, so that the people or prince who adopts it may seem to adopt it voluntarily, and not in consequence of the importunity of the adviser.—III. 35.

members of an Executive body, the mode of their selection offers a considerable security for their special fitness, and, consequently, for rectitude of decision by the majority. In cases, however, where the members of a supreme assembly are determined by the choice of a popular constituency, the chances against a selection of fit persons are more numerous.

The principle of decision by a majority is requisite, as well for the choice of a representative by a constituent body, as for the acts of an executive board or a legislative assembly. The same reasons apply in this case as in the case of smaller bodies, only with more force. Unanimity, in a body which may consist of several thousand persons, is plainly impossible; decision by a majority is therefore necessary. But many of the securities for guiding the majority to a sound judgment, which exist in a legislative assembly, are here wanting; joint deliberation is nearly impossible, and the vote of each elector is frequently determined by accidental considerations, affecting his individual position. The decision is accordingly formed by an imperfect process;[1]

[1] Cicero describes in strong terms the inconstancy of the people in the choice of magistrates, and the uncertainty of the event of an election in the comitia: 'Non enim comitiis judicat semper populus, sed movetur plerumque gratia: cedit precibus: facit eos a quibus est maxime ambitus. Denique, si judicat, non delectu aliquo aut sapientia ducitur ad judicandum, sed impetu nonnunquam, et quadam etiam temeritate. Non est enim consilium in vulgo, non ratio, non discrimen, non diligentia: semperque sapientes ea, quæ populus fecisset, ferenda, non semper laudanda duxerunt.'—*Pro Plancio*, c. 4.

Again, in the oration *Pro Murenâ*, c. 17, he dwells on the uncertain event of the popular choice: 'Quod enim fretum, quem euripum tot motus, tantas, tam varias habere putatis agitationes fluctuum; quantas perturbationes et quantos æstus habet ratio comitiorum? Dies intermissus unus, aut nox interposita, sæpe perturbat omnia; et totam opinionem parva nonnunquam commutat aura rumoris. Sæpe etiam sine ulla aperta causa fit aliud atque existimamus, ut nonnunquam ita factum esse etiam populus admiretur: quasi vero non ipse fecerit. Nihil est incertius vulgo, nihil obscurius voluntate hominum, nihil fallacius ratione totâ comitiorum.' Compare also Seneca, *de Vit. Beat.* c. 1, cited above; c. 6, § 3. 'Non ego *ventosæ plebis* suffragia venor,' says Horace, *Ep.* I. 19, 37, who, in his first ode, speaks of the mobiles Quirites. Our word *mob* was abbreviated from the Latin, *mobile vulgus*, in the reign of Charles the Second, as we learn from North's *Examen*. The expression seems to have been borrowed from the verse of Claudian: 'Mobile mutatur semper cum principe vulgus,' *De* IV. *Cons. Honor.* 302, which certainly is a singular origin for a saying upon *popular* instability.

For a curious illustration of the arts practised in canvassing a numerous constituency in ancient times, see the monitory tract *De Petitione Consulatus*, addressed by Q. Cicero to his brother, when about to come forward as a candidate for the consulship. On the election of magistrates by the senate under the empire, see Pliny, *Epist.* III. 20.

Mr. Macaulay says that the common people are constant to their favourites, but almost always choose them ill.—*Hist. of Engl.* vol. I. p. 631.

The choice of a candidate by the majority of a popular constituency is thus subject to the same remark as the decision of a question by the majority of a popular assembly. It solves the practical problem, but leaves the question as to the real comparative merits of the candidates undecided. This imperfection is, however, inseparable from popular election, and it is counterbalanced by the advantages which result from the representation of apparent interests, and from the deference to the numerical principle in government. Moreover, in a popular constituency, the majority is practically influenced by the opinions and wishes of a minority, although this influence operates in a different manner from that in which a legislative assembly is acted upon.

There is, again, another serious difficulty in the way of an enlightened choice of representatives by a popular constituency, a difficulty, it may be observed, which extends to *every* mode of selection, and equally besets the choice of members of a house of peers by the Crown.

The subjects which may be submitted to the decision of a supreme legislative assembly are unlimited, not only in *number*, but also in *kind*. It has not, like an administrative board, a special department, but it exercises a general control over all the branches of the administration, and it superintends every function of the government. It is called on to decide questions involving relations with foreign states and dependencies, the management of the army and navy, the defences of the country, its trade, agriculture, and manufactures, its finances and currency, its religious and ecclesiastical concerns, the civil and criminal law, and the judicial procedure, the state of public health, the internal communications, and, in short, all the other interests of life. There is no department of knowledge which may not be put in requisition for guiding the decision of a legislative body. Consequently, no special or professional training to fit a person to be a member of such an assembly is practicable; and the choice of the popular constituency is not directed to any definite class or section of persons, or guided by any obvious and easily recognisable qualifications, such as those of a physician, a soldier, or an architect, in their respective lines.[1]

The possession of such varied and extensive knowledge and experience as would render a person competent to judge for himself upon all the questions which may be submitted to a legislative

[1] This subject is pursued further in ch. 8, § 2.

assembly being impossible, the next best qualification is, general soundness of judgment and perspicacity of understanding. These will render a person least likely to err in the midst of the heterogeneous multitude of practical questions, to the decision of which he may have to contribute. But the qualities just described are often not easily discerned, and, moreover, do not obtrude themselves upon the public attention. Qualities of a more conspicuous and attractive character, particularly if accompanied with activity and energy, are likely to arrest the attention and obtain the favour of a popular constituency. Mere facility of elocution or impressiveness of manner is likewise often mistaken for wisdom in counsel.[1] A large aggregate of persons, acting together casually, and not forming a deliberative body, may likewise be captivated by earnest and often repeated, though insincere, professions of a regard for the public welfare, or their own peculiar interests.[2]

Notwithstanding these difficulties, the choice of fit representatives is, in itself, easier and less subject to error than the decision upon a long series of public measures; and it must be admitted that a popular constituency is better qualified to discharge the former than the latter duty with success.[3] Besides, there are certain circumstances which tend to guide the choice of constituencies in the election of their representatives, and to induce them to give a preference to fit over unfit candidates.

In the first place, no person who has not received a fair educa-

[1] Plato calls eloquence *φαινομένη σοφία*.

[2] Bodinus, in his treatise *De Republicâ*, maintains that the best and wisest men can never be chosen as rulers in any commonwealth. 'Quod si populum (he says) ad hæc ipsa virtutis suffragia cieri placeat, sui dissimiles, id est optimos, non seliget; sed quam maximè similes, id est, stultos, improbos, impudentes, cum boni ac sapientes viri, si modo sunt aliqui, minimum efficiant ubique civium numerum. Quid autem turpius, quam sapientium decus ad dignitatem pendere ab insipientium judicio dicam, an temeritate? Demus tamen esse bonos aliquot ac sapientes in civitate viros, conspectum certè fugient improborum ac desipientis multitudinis, nec si ad comitia venient, seipsos sapientes judicabunt.'—II. 6, (p. 340.) The experience of representative governments does not confirm these views.

[3] 'Le peuple est admirable pour choisir ceux à qui il doit confier quelque partie de son autorité. Il n'a à se déterminer que par les choses qu'il ne peut ignorer, et des faits qui tombent sous les sens. . . Comme la plupart des citoyens, qui ont assez de suffisance pour élire, n'en ont pas assez pour être élus; de même le peuple, qui a assez de capacité pour se faire rendre compte de la gestion des autres, n'est pas propre à gérer par lui-même.'—MONTESQUIEU, *Esprit des Lois*, l. II. ch. 2. The broad distinction is correctly taken in this passage; but the facility of a choice of fit persons for a public trust is stated too strongly. See also a similar passage in l. XI. ch. 6: 'Il y avait un grand vice,' &c., where the superiority of the representative principle over the direct voting in the ancient republics is pointed out.

tion can, in the ordinary state of things, present himself as a candidate for the representation of a large popular body. The necessity of addressing the people, and of expounding his opinions orally, excludes any person who is unable, from defect of education or intelligence, to make such a statement as is suited to a tolerably critical audience. In the next place, the members of a legislative assembly, particularly of the more important ones, must make such sacrifices of time and money, as are scarcely compatible with the means of those who do not belong to the educated classes of society. Besides which, there is a disposition prevalent throughout a constituency, to select as their representatives persons who, from their social station, are distinguished from the mass, and are, on that account, better known and more conspicuous than persons of a humbler position in society.[1]

These safeguards for the discreet exercise of the power of selection by a popular constituency, may be expected to produce an assembly containing an amount of intelligence and wisdom beyond the average of the educated classes, in the country over which it presides. Besides, the variety of experience and information, which no one person can possess, is in some degree supplied by the presence in the assembly of members belonging to different professions and pursuits, and familiar with different branches of knowledge. In this manner, attention to each separate subject is insured, and some immediate professional advice. But it is to be borne in mind, that there is no security that the professional persons who become members of the assembly will be the most eminent in their respective professions; and, after all, it will probably be necessary to consult professional men not members of the

[1] 'There is an unconquerable, and to a certain extent (in the present state of society at least) a beneficial proneness in man, to rely on the judgment and authority of those who are elevated above himself in rank and riches. From the irresistible associations of the human mind, a feeling of respect and deference is entertained for a superior in station, which enhances and exalts all his good qualities, gives more grace to his movements, more force to his expressions, more beauty to his thoughts, more wisdom to his opinions, more weight to his judgment, more excellence to his virtues. . . . . Hence the elevated men of society will always maintain an ascendancy, which, without any direct exertion of influence, will affect the result of popular elections; and when to this are added, the capabilities which they possess, or ought to possess, from their superior intelligence, of impressing their own opinions on other classes, it will be seen that, if any sort of despotic control were justifiable, it would be superfluous for any good purpose.'—BAYLEY'S *Rationale of Represent. Government*, p. 269–70. It should not, however, be overlooked, that the feeling of deference to superior social rank (described in the above extract) is liable to be counteracted by a variety of political influences.

assembly. It may, moreover, happen, that a professional man of unsound judgment in an assembly, (particularly if he has a power of persuasive address,) may lead it to an erroneous decision, by inducing it to reject the advice of more competent judges, who, not being members of the assembly, cannot attend it in order to support their own views.

§ 16. The objections to decision by a mere numerical majority, without reference to the competency or qualifications of the voter, have naturally presented themselves to politicians, both speculative and practical; and various contrivances have been devised to modify and mitigate its operation, retaining, however, the corporate principle.

One of these is the method of voting by *composite units*.[1] Thus, when the Roman people were in Comitia Tributa, the votes of each tribe, which consisted of several thousand citizens, were taken separately, and the decision of the tribe was thus formed. The votes of the several tribes, considered as units, were then taken, and the ultimate decision depended on the majority of the tribes. Now, if some of the tribes were considerably smaller than others, and if the members of a particular order or section of the people were predominant in the small tribes, they would have a greater legal influence on the decision than the citizens included in the larger tribes. The influence of the Italians, when admitted to Roman citizenship by the Julian law, was at first neutralised by this contrivance.

In the constitution of Servius, a similar result had been produced by the distribution of the people into centuries: the centuries of the rich contained fewer persons than the centuries of the poor; but the vote of each century (determined by a majority within its own body) reckoned as one. By this contrivance it was provided, (according to Cicero's expression), 'Ne plurimum valeant plurimi.'[2] The absolute numerical majority of the people did not prevail in counting the votes.

A system of voting, founded upon the same principle, was adopted in some of the councils of the church. Inasmuch as the bishops from distant provinces did not attend a council in so large a number as those who came from the neighbouring provinces, a

[1] On this mode of voting, see Bodinus, *De Rep.* II. 7, p. 360.

[2] *De Rep.* II. 22. Compare Livy, I. 43: 'Non viritim suffragium eadem vi eodemque jure promiscue omnibus datum est; sed gradus facti, ut neque exclusus quisquam suffragio videretur, et vis omnis penes primores civitatis esset.'

rule was established that the vote should be taken by *nations*—that is to say, the bishops of each nation first decided the vote of the nation by a majority of voices; and then the general decision was made by a majority of nations. This mode of voting was observed at the councils of Constance and Basle.[1]

The votes of independent nations in a federal council have generally been regulated in the same manner. Each nation has been taken as a unit, and has exercised one vote, whatever might be its power and importance as compared with others. In the Amphictyonic League, for example, the confederate States were all on an equality, so that Sparta and Athens had not more votes than the smallest town which was a member of the league.[2]

In the American confederation of 1781, each State was to be represented in Congress by not less than two nor more than seven members, but to have only one vote.[3] But in the constitution which was ultimately adopted, a compromise between the national and federal principles was introduced. The members of the House of Representatives were determined by the population of each State; but each State, whatever its size, returned two members to the senate. A similar principle has been established in the Pacte Fédéral of the Swiss Cantons, as recently remodelled.

The structure of the English House of Commons, and of other representative chambers, is partly arranged upon an analogous principle, in so far as each member is considered as exclusively representing his own constituents. For in apportioning the members to the several constituencies, a preference is given to certain classes of the people, or to certain parts of the country.

§ 17. Another contrivance for obviating the evils of a simple enumeration of the voters is the giving a *plurality of votes* to certain members of the body. This mode of voting was sometimes employed in the ancient Greek republics; and it is called by Aristotle the *timocratic* principle—that is, the government according to the τίμημα, or assessment of property.[4] Sometimes likewise, a

[1] See Sarpi, l. ii. c. 30.

[2] See Grote, *Hist. of Gr.* vol. II. p. 325-6.

[3] See Story's *Commentaries*, § 231.

[4] See *Eth. Nic.* VIII. 12. Hermann, *Pol. Ant.* § 59, n. 8. Aristotle says that the democratic principle was, that the majority of *all* the citizens should decide; the oligarchical principle, that the citizens having the largest valuation should decide. He proceeds to illustrate his meaning, as to the latter principle, thus:—There are ten rich and twenty poor; six of the rich and five of the poor vote on one side; four of

federation of independent States was formed upon this principle. Thus, in a league between the city of Cibyra and three neighbouring towns, it was arranged that, whereas these latter had one vote each in the federal congress, the former should have two votes, on account of her furnishing a larger share of the federal army.[1] The same was also the case with the league of twenty-three cities in Lycia, the largest of which had three votes; those of middle size, two; and the others, one—the contributions to the common federal treasury being in the same proportions.[2] In modern times, likewise, this principle of voting has been sometimes applied to a confederation of States on account of their unequal importance: thus, in the Smalcaldic league, the electorate of Saxony had a double vote.[3] In general, however, this principle has been confined to cases where the main purpose of the body is the administration of a common fund, and where the weight of each member is determined by the amount of his contribution or share. Thus, in the poor-law of England, Scotland, and Ireland, this mode of voting has been established for the election of the managing body by the rate-payers, because the rate-payers are considered as interested in the management of a common fund for the relief of the poor. The same principle is recognised by our legislation for the election of managing bodies, in the case of town improvements and sanitary measures.[4] The members of railway and other companies for purposes of public improvements likewise vote according to a property scale;[5] and the same is the rule of voting for the Court of Proprietors of the East India Company.

The equity of this arrangement for the administration of a joint stock is recognised by Grotius,[6] as well as by Dr. Rutherforth, who remarks, that 'The equity of the case seems to be on this side; as it is equitable to allow each person a weight, in determining upon any question, proportionable to the interest which he has that the whole stock should be rightly managed. But (the same writer adds) the reason of the thing is on the other side; since

the rich and fifteen of the poor on the other; then, if the valuations of each are added on both sides, that side is to prevail whose aggregate valuation is highest.—(*Pol.* VI. 3.)

[1] Strabo, XIII. *ad fin.*

[2] Strabo, XIV. 3.

[3] Grotius, note on *Jus B. et P.* II. 5, 22.

[4] See 10 and 11 Vic. c. 16, § 24.

[5] See 8 and 9 Vic. c. 16, § 75.

[6] *J. B. et P.* II. 5, § 22.

there is no more likelihood that a man should judge rightly about the management of such stock because he has ten shares in it, than there would have been if he had been possessed of no more than one share.' [1]

This last remark is often true, but it must be taken with many qualifications. For example, if two persons of equal wealth are joint contributors to a common fund, and if one contributes his entire fortune, while the share of the other is only a small part of his capital—it is manifest that the former has a stronger interest in a prudent and cautious management than the other; for, if the entire fund was lost in some hazardous enterprise, the former would be deprived of his means of subsistence, whereas the loss of the latter would be inconsiderable in proportion to his means. Besides, the one can afford to forego all present income, and can postpone his returns to a distant period, whereas the other cannot. On the other hand, if the share of each person is sufficiently large to give him a strong interest in the proper management of the fund, there is no reason why he should not have an equal vote with those who have larger shares. The principle of the widow's mite seems equally applicable to the interest in a common fund.

With regard to the distribution of political franchises and rights, the timocratic principle, so far as it rests upon the doctrine of a proportionate interest in a common object, cannot be admitted without large qualifications. All persons, whatever their amount of property, have in fact an equal interest in the well-being of the State, provided that interest be well understood. Nevertheless, the establishment of a property franchise, and the exclusion of all who do not possess it, is a virtual adoption of this principle. Suppose a body of a thousand persons, of whom four hundred possess a certain amount of property, and six hundred do not. According to the timocratic principle, each of the four hundred would have plural votes, and each of the six hundred would have one vote. But the same result is even more effectually attained, if each of the four hundred has one vote, and the others are not enfranchised.

[1] *Institutes of Natural Law*, b. II. c. 1, § 4, (vol. II. p. 9.) Aristotle, *Pol.* III. 5, remarks, that this would be true if men formed a political society merely for the sake of property. But he adds, that the end of a state is more extensive, and therefore the argument of the oligarchs in favour of timocracy is unsound.

The principle of regulating the political franchises, exclusively by the amount of property, is examined at length in Bayley's *Rationale of Political Representation*, pp. 243–8. See also Lord Brougham's *Pol. Phil.* vol. II. c. 10.

Owing to the importance of securing the rights of property, and the indistinct notions which exist on this subject among the working classes, a property qualification for political franchises has been found advisable in the European States having free constitutions. In the ancient democracies, this problem was to a great extent solved by the fact, that the working classes were slaves, and excluded, not only from political franchises, but from civil rights.

§ 18. It has been the main object of this chapter to show that, in the constitution of a Political Body, and in its mode of decision by a majority of votes, the Principle of Numerical Equality among its members—which its constitution and mode of decision generally imply—is in practice counteracted and modified, to a great extent, by the Principle of Special Aptitude, which attributes a greater weight to the qualified few than to the unqualified many. It has been explained how, partly by subordinate legal regulations and rules of procedure and partly by voluntary arrangements on the part of the members of the body themselves, the direct and crude action of the one principle is neutralised and corrected by the other. It may, however, be objected, that any institution which is founded upon a conflict of opposite principles—whose predominant legal character tends in one direction, and whose practical working tends in another—labours under some inherent and incurable defect. Why, it may be asked, do you first establish a principle, and then counteract it by another antagonist principle? It would have been surely better, either not to establish the original principle at all; or, having established it, to give it free play, and encourage its full development.

To this objection it may be answered, that, in moral and political matters, nothing is more common, or more beneficial, than to establish a principle, on account of certain effects which it produces, and, as far as regards these effects, to allow an unimpeded course to their action; but with respect to other effects, which would, if permitted to arise without restraint, be productive of mischief, to try to neutralise and impede them by adverse and repressing influences. Upon this subject I may cite some judicious and discriminating remarks of Mr. Mill, in reference to the style of reasoning upon political questions which prevails among French writers and speakers. 'The common-places of politics in France, (he observes,) are large and sweeping practical maxims, from which, as ultimate premises, men reason downwards to particular

applications, and this they call being logical and consistent. For instance, they are perpetually arguing that such and such a measure ought to be adopted, because it is a consequence of the principle on which the form of government is founded—of the principle of legitimacy, or the principle of the sovereignty of the people. To which it may be answered, that if these be really practical principles, they must rest upon speculative grounds: the sovereignty of the people (for example) must be a right foundation for government, because a government thus constituted tends to produce certain beneficial effects. Inasmuch, however, as no government produces all possible beneficial effects, but all are attended with more or fewer inconveniences, *and since these cannot be combated by means drawn from the very causes which produce them*, it would be often a much stronger recommendation of some practical arrangement, that it does not follow from what is called the general principle of the government, than that it does. Under a government of legitimacy, the presumption is far rather in favour of institutions of a popular origin—and in a democracy, in favour of arrangements tending to check the impetus of popular will. The line of argumentation so commonly mistaken in France for political philosophy tends to the practical conclusion, that we should exert our utmost efforts to aggravate, instead of alleviating, whatever are the characteristic imperfections of the system of institutions which we prefer, or under which we happen to live.'[1]

An apt illustration of these remarks may be drawn from the Spartan State. The institutions and laws of Sparta were framed with a view of training the citizens into good soldiers, and of making the republic efficient for military purposes. Looking to the peculiar circumstances of Sparta, this policy might have been useful and commendable up to a certain point; but a wise legislator, having once established the principle, would have moderated its excesses by introducing institutions of a different tendency—instead of giving to the city of Sparta the character of a camp, of making its public education little more than a military drill, and of banishing literature and science, and all that tends to refine the taste and elevate the understanding; which was the course actually pursued.

The organisation of a modern army will serve as an additional illustration. It is the policy of a general to create among his

[1] *System of Logic*, vol. II. p. 618.

soldiers a spirit of forward courage, and promptitude in attacking, harassing, and pursuing the enemy: on the other hand, it is necessary that this spirit should be controlled by an exact discipline, by a ready obedience to orders, and by a habit of unreasoning submission to the will of the commander. It may be difficult to combine the courage of a hero with the regularity of a machine. Yet it is by the due admixture of these opposite qualities that the modern soldier is formed.

Another striking exemplification of the same view is afforded by the institution of a poor-law:—The object of a poor-law is to relieve the various forms of destitution and want out of a fund created by compulsory taxation. Its principle is, to take the property of the wealthier classes, and to divide it among the poorer, upon the petition of the latter, and without obtaining from them any equivalent. Now, that the relief of severe distress is a legitimate object of public policy cannot be disputed; it has, to a greater or less extent, and in one form or another, been recognised as such in all countries. The principle of a poor-law is, therefore, laudable and beneficial. But if this principle be carried beyond a certain limit; if it be not carefully guarded by counteracting forces; if precautions be not taken, with the express intention of deterring applicants for the public bounty, and of keeping the numbers of the state-paupers within reasonable bounds—a poor-law will become a system of legal spoliation, which will impoverish one part of the community in order to corrupt the remainder.

In these, and many other cases, we set in motion a principle from which, while it is under control, we derive signal advantage, but which, if it breaks loose, and follows its own tendencies unchecked, is highly dangerous; of which we may say, as of fire, that it is a good servant, but a bad master. In the moral, as in the physical world, we perpetually act by the composition of forces; and by repressing, governing, and guiding, an impetus which we have created. In almost all cases, the moral sentiments require to be impelled in a given direction, but to be restrained from pursuing that path beyond a certain point. They need, not simultaneously indeed, but at short intervals, both the spur and the bit. Courage must not be permitted to proceed as far as foolhardiness, or caution as far as timidity. Liberality must not degenerate into profusion, or frugality into parsimony. Firmness must not become obstinacy or churlishness, nor mildness and for-

bearance become weakness. Even benevolence, though in itself it cannot be excessive, yet requires to be regulated by prudence and wisdom. It has, in fact, become a common-place of morality to say that extremes are to be avoided; that moderation is virtue; and that excesses are dangerous. There is scarcely any practical principle in politics or ethics, which (however good it may be in its general tendency, and when placed under proper regulation) may not be carried to a vicious excess.

Sunt certi denique fines,
Quos ultra citraque nequit consistere rectum.

In applying these remarks to the case of decision by a majority of votes, we may perceive that the principle of a body, invested with supreme political power, is attended with important advantages, and affords the best solution of the most difficult problem in government. For the action of such a body, decision by a majority, as a legal rule, is a necessary condition. Decision, however, by a majority is, as we have already seen, a very imperfect mode of arriving at a conclusion, and is, in general, opposed to the principle of judgment, which reason and usage equally prescribe. What, then, is the inference which a prudent politician, mindful of practical consequences, and regardless of an apparent logical consistency, will draw from these premises? He will neither, on the one hand, rigorously follow out the principle of decision by a majority to all its most remote conclusions, and enforce them with inflexible consistency: nor, on the other, will he abandon the system of a political body, because it involves, as necessary to its working, a principle which, if logically developed, and fairly pursued to its ultimate results, would lead to practical inconveniences. But, having secured the establishment of a political body on account of its important advantages, and, as a necessary condition for the action of such a body, recognised the principle of decision by a majority, he will seek to regulate and temper that principle; he will encourage its good and mitigate its evil tendencies, and counteract the latter by subordinate influences and checks, derived from the adverse principle of special aptitude. Having recognised, as a rule of law, the principle of perfect numerical equality in the members of the body, and given the legal ascendency to the simple majority of votes, he will modify the practical operation of that principle by the principle of authority, and of the moral superiority of the most competent judges.

NOTES TO CHAPTER VII.

NOTE A. (page 133.)

A COUNSELLOR of King David is mentioned in 1 *Sam.* xxiii. 23, and counsellors of King Nebuchadnezzar in *Dan.* iii. 27; but such counsellors are meant as Histiæus was of Darius, (Herod. V. 24,) and not members of a council of state, having defined powers, and forming a constitutional check upon the royal omnipotence.

The Persian king might sometimes summon mere consultative councils, particularly on such an occasion as that described by Herod. VIII. 67–9, when a council of war was held before the battle of Salamis: it was, however, understood that, even at such a crisis as this, the person who gave advice contrary to the supposed wishes of the king, gave it at the risk of his life. The debate of the seven Persian conspirators about the best form of government, and its decision in favour of monarchy, against aristocracy and democracy, by a majority of votes, as described by Herodotus, (III. 83,) are circumstances which he has borrowed from Grecian ideas, and which could not have had any foundation in reality. (Compare Grote, *Hist. of Gr.* vol. IV. p. 300.) The same may be said of his account of long harangues in a council of Persian grandees, convened by Xerxes to deliberate upon his proposed invasion of Greece, VII. 8–11. Heeren, *Ideen*, I. 1, p. 469, remarks, that there was no council of state, properly so called, in the ancient Persian empire. A similar absence of organised political bodies prevailed throughout all the Asiatic nations of antiquity, so far as our accounts reach, not even excepting Phœnicia; and the primitive government of Egypt was doubtless also formed upon the Oriental type.

The Indian king is directed, by the laws of Menu, to appoint seven or eight ministers of state. 'With them, (says Mr. Mill, *Hist. of India*, vol. I. p. 179,) he is commanded perpetually to consult on the affairs of his government: but a singular mode of deliberation is prescribed to him—not to assemble his council, and laying before them, as in the cabinets of European princes, the subject on which the suggestions of their wisdom are required, to receive the benefit arising from the mutual communication of their knowledge and views: a plan, apparently more artful and cunning, more nearly allied to the suspicious temper and narrow views of a rude period, is recommended—*to consult them apart, and hear the opinion of each separately;* after which, *having consulted them in common*, when each man is swayed by the opinion he had formerly given in private, and has a motive of interest and vanity to resist the light which might be thrown upon the subject by others, *the king himself is to decide.*' The plan of consultation here described is mainly dictated by the dread of corporate action on the part of an Oriental despot, and by the desire of preventing such a union among the members of his council as might lead to the formation of a check upon his power.—(See *Institutes of Menu*, VII. 54, 56, 57, ed. Haughton. Compare Bohlen, *Altes Indien*, vol. II. p. 53.)

This very mode of consultation is, however, recommended by Bacon, even to European princes, in his *Essay on Counsel:* 'It is of singular use to princes if they take the opinions of their council both separately and together; for private opinion is more free, but opinion before others is more reverend. In private,

men are more bold in their own humours, and in consort men are more obnoxious to others' humours; *therefore it is good to take both:* and of the inferior sort rather in private, to preserve freedom—of the greater, rather in consort, to preserve respect.' Similar advice is also given by Hobbes, *Leviathan*, Part II. c. 25, p. 247: 'Supposing the number of counsellors equal (he says,) a man is better counselled by hearing them apart, than in an assembly.' He proceeds to give detailed reasons for this precept, which, however, apply rather to a large popular assembly than to a small cabinet council.

The modern king of Persia is absolute: there is no constitutional check upon his power; no assembly or council in his kingdom.—MALCOLM'S *History of Persia*, vol. II. p. 428–9. In some of the independent wandering tribes of the Persian territory, important judicial questions are entertained by a council of elders, and decided by a majority of votes.—*Ib.* p. 459.

The Turkish Divans are sometimes consultative councils of the Sultan or the Grand Vizier, (in which, however, no real freedom of discussion exists,) or they are occasions of public audience, for administering justice, or receiving officers of state and foreign ambassadors. See Dohsson, *Tableau de l'Empire Othoman*, tom. VII. p. 211–32. With respect to the meaning of the Arabic word *divan*, see d'Herbelot, *Bibl. Or. in v.* The Indian *durbar* appears to be its equivalent.

The Emperor of China has two councils; one, the great council of state—the other a select or privy council, (Davis's *Chinese*, vol. I. p. 211); but it cannot be supposed that these councils possess any legal powers, by which the acts of the Emperor are controlled. There are likewise six chief administrative boards, (*ib.*) which are, doubtless, merely executive departments, consisting of numerous members, but presided over by their proper heads. An account of an assemblage of the great officers of state in China, to do honour to the emperor, is cited from Sir G. Staunton, *ib.* p. 208.

NOTE B. (page 134.)

As to the character of the Homeric or heroic ecclesia, see Grote, vol. II. pp. 91–2; vol. III. p. 7. Aristotle, *Pol.* IV. 4, describes the people acting as a body, by comparing it with a monarch: Μόναρχος ὁ δῆμος γίνεται, σύνθετος εἷς ἐκ πολλῶν· οἱ γὰρ πολλοὶ κύριοί εἰσιν, οὐχ ὡς ἕκαστος, ἀλλὰ πάντες. He then goes on to observe that, when Homer speaks of πολυκοιρανέη being a bad thing, it is uncertain whether he means this sort of plurality of rulers, or where there are several rulers acting singly. It may seem presumptuous to decide a question of this sort, which Aristotle left in uncertainty; but I can hardly doubt Homer's meaning to have been, that there should not be several kings acting independently of each other, especially as commanding in war. His poems contain no trace of a political body, (see *Odyssey*, VIII. 390, on the Phæacian kings,) nor do they mention voting. As the Athenian courts decided by a majority in later times, Æschylus supposes the Areopagus to have voted on the trial of Orestes, (*Eumen.* 748–53;) thus carrying back this comparatively recent principle to the heroic age. Other cases of a similar prochronism occur. Thus, Ephorus (*ap. Strab.* IX. 2, § 4) tells a mythical story relating to Dodona, in which a vote of a judicial court, consisting of three men and three women, is introduced. Again, Myscelus of Argos, the founder of Crotona, is said to have been condemned to death, by the unanimous votes of the judges, for the crime of preparing to leave his native city.

Hercules changed the colour of the pebbles from black to white, and thus saved the culprit.—OVID, *Met.* XV. 19–48:

> Mos erat antiquus, niveis atrisque lapillis,
> His damnare reos, illis absolvere culpâ.

Where there was a board consisting of several functionaries, the ancient practice probably was, that the powers were divided among them, and that each exercised certain functions separately, as in the case of the Athenian archons.

Aristotle lays it down generally, that the principle of decision by a majority applies to all republics, whether oligarchies or democracies: *τὸ δ' ὅτι ἂν δόξῃ τοῖς πλείοσιν, ἐν πάσαις ὑπάρχει· καὶ γὰρ ἐν ὀλιγαρχίᾳ καὶ ἐν ἀριστοκρατίᾳ καὶ ἐν δήμοις, ὅτι ἂν δόξῃ τῷ πλείονι μέρει τῶν μετεχόντων τῆς πολιτείας, τοῦτ' ἐστὶ κύριον.* IV. 8, cf. IV. 4. *καὶ γὰρ ἐν ταῖς ὀλιγαρχίαις καὶ πανταχοῦ τὸ πλέον μέρος κύριον.* Also, VI. 2. For an example of this principle in a treaty between independent states, see Thucyd. v. 30: *εἰρημένον κύριον εἶναι ὅτι ἂν τὸ πλῆθος τῶν συμμάχων ψηφίσηται.* Compare Grotius, *de J. B. et P.* II. 5, § 17; III. 20, § 4, with Barbeyrac's notes.

Before the battle of Marathon, the ten strategi were equally divided in opinion. The polemarch archon (who, Herodotus says, had from early times an equal vote with the generals) gave his vote in favour of fighting, and decided the question, upon which the minority acquiesced.—(HEROD. VI. 109.) This is the earliest decision by a majority of votes recorded in authentic history. We know from Thucydides, that the Spartan kings had not each a double vote in the Council of Thirty, though such was the popular belief throughout Greece in his time.—I. 20. The five Spartan ephors decided by a majority of votes: hence, if three agreed, the consent of the board was obtained.—XEN. *Hellen.* II. 4, § 29.

The Greeks voted openly, by holding up the hand; and in the Spartan assembly, by shouting. For secret voting, pebbles, potsherds, and sometimes leaves, were used.

NOTE C. (page 135.)

In a German tribe, (according to Tacit. *Germ.* c. 11,) during peace, the supreme decision of its affairs was vested in a general assembly of the fighting men, the subjects having previously been considered in a smaller council of the chiefs. One of the chiefs addressed the general assembly, which expressed its opinion, not by a regular vote, but by a murmur, or a clashing of arms: the former, in token of disapprobation—the latter, of approbation. This state of things corresponds with the second form of the Greek ecclesia, after it had passed out of the Homeric stage, and had acquired a supreme, though not strictly defined power. It closely resembles the Spartan ecclesia, as described by Thucydides, in which the magistrates alone spoke, and which expressed its decision by shouting, and not by a division with counted votes. (*κρίνουσι βοῇ καὶ οὐ ψήφῳ.*—THUC. I. 87. See Müller, *Dor.* III. 5, §§ 9, 10.) In the case referred to, the ephor, not satisfied with this rude method of voting, required the ayes and the noes to stand apart, in order that their respective numbers might be seen. As to the German concilia, see Gibbon, *Decline and Fall*, vol. I. pp. 290–1; Ukert, *Geogr.* III. 1, p. 231; Grimm, *D. R.* p. 244; Mannért, *Geschichte der alten Deutschen*, vol. I. p. 62, who says that counting votes would have been too tedious a process; and observes that, in the Hungarian Diet, the ancient

mode of voting was still retained. As to the national assemblies of the early German empire, Eichhorn, *D. R. und R. Geschichte*, vol. I. §§ 137, 161, 220.

There was likewise an assembly or concilium in the tribes of Gaul in Cæsar's time, as well as a senate.—*B. G.* VI. 20, 23; Ukert, *Geogr.* II. 2, pp. 248, 250, 255. Concilia of the Cisalpine Gauls are also mentioned, LIVY, XXI. 20. A congress of Gallic deputies was held at Bibracte, at which Vercingetorix was chosen commander by a majority of voices.—CÆSAR, *B. G.* VII. 63. 'Multitudinis suffragiis res permittitur.' It is not unlikely that the practice of a regular vote may have been learned by the Gaulish tribes from their intercourse with the Greek and Roman republics in their vicinity. Thus, the Gauls borrowed from the Massiliots the important invention of alphabetical writing, and used Greek letters both for public and private purposes.—*B. G.* VI. 14.

NOTE D. (page 136.)

One important incident of a *political body* is, that it is preserved, by the perpetual substitution of new members in the vacancies as they occur, against the effects of natural death, and is kept in constant existence. Hence, there is no ground for holding that its acts have only a temporary force, or that treaties and other engagements made with it are not perpetual. (See Grot. *de J. B. et P.* II. 9, § 3.)

There may, indeed, be a continual succession of single persons, and each newly-substituted individual may regard himself only as a link in a chain, and may be bound by the acts of his predecessors. But the doctrine of the English law respecting a corporation sole is only suited to a refined state of society, and in the succession of individual rulers the tendency in rude times has been to a different doctrine. In the Oriental Governments, the acts of a sovereign or minister are almost invariably set aside by a successor when it suits his purpose; and the doctrine of mere personal responsibility in political matters is, in Asia, fully established. A similar doctrine obtained to some extent among the Greeks and Romans, particularly in the case of absolute princes, whose acts were generally set aside when they were killed or dethroned. (Cic. *ad Att.* XIV. 6, 9. 14.) It is well known, that, in our early history, important laws made by one king were often expressly renewed by his successors.

So treaties made with kings have been frequently disavowed by their successors, on the ground that the engagement was merely personal.—See Grot. *de J. B. et P.* II. 16, § 16; Vattel, §§ 183–97.

The principle of *fieri non debuit, factum valet*, is of great importance in politics. When once a government has been established, its acts are legal, however unjust or inexpedient; and although it may be displaced by a violent revolution, or other sudden change, it is desirable that its acts should be recognised and be only altered, when necessary, by legislative amendment.

NOTE E. (page 145.)

The reason for the rule of decision by a majority is thus given by Grotius: 'Omnino ea credenda est fuisse voluntas in societatem coeuntium, ut ratio aliqua esset expediendi negotia: est autem manifeste *iniquum*, ut pars major sequatur minorem: quare *naturaliter*, et seclusis pactis ac legibus quæ formam tractandis

negotiis imponunt, pars major jus habet integri.'—*De J. B. et P.* II. 5, § 17. This explanation amounts merely to saying, that it is *natural* and *equitable* that the vote of the majority should prevail over that of the minority. Dr. Rutherforth is more explicit on the subject: 'The next question will be, whether it is more reasonable and more equitable that the minority should be bound by the act of the majority, or the contrary? The answer to this question is obvious. It is plainly most consistent with reason, that the sentiments of the majority should prevail and conclude the whole; because it is not so likely that a greater number of men should be mistaken, when they concur in their judgment, as that a smaller number should be mistaken. And this is likewise most consistent with equity; because, in general, the greater number have a proportionally greater interest that the purposes of the society should succeed well, and have more at stake if those purposes should miscarry or be disappointed.'—*Institutes of Nat. Law*, II. 1, § 1. Of the two propositions here laid down by Dr. Rutherforth, the first is decidedly false. It cannot be affirmed generally, either that a larger number of men is less likely to be mistaken than a smaller number, or that a smaller number is less likely to be mistaken than a larger number. The second proposition, with respect to the interest of the majority, is subject to the deduction, that by *interest* must be understood their true interest as determined by competent judges, and not their interest as conceived by themselves. The truth is, that no explanation can be given of this rule, except that it is resorted to as the only possible expedient. The problem is well solved by Puffendorf, whose remarks exhaust the question:—

'Dans toutes les assemblées, ce qui a passé à la pluralité de voix est regardé comme l'avis de chacun des membres; non que cela soit nécessaire en vertu du droit naturel, mais parcequ'il n'y a presque point d'autre expédient pour terminer les affaires, et pour prendre quelques mesures; quoique par là il arrive quelquefois, que le sentiment le plus honnête et le plus avantageux à l'État est rejeté. Comme les affaires humaines sont souvent fort diversifiées et fort embrouillées, et que dans ces sortes d'assemblées établies pour en décider, il n'est pas possible de trouver quelque voie qui soit sans aucun inconvénient, il faut prendre le parti où il y en a le moins, et qui est d'ordinaire le plus avantageux. C'est donc en vain qu'on objecte qu'il répugne à la nature, que l'avis des moins sage prévaille sur celui des plus sages, parceque ceux-ci se trouvent en plus petit nombre, et que les premiers même puissent obliger les autres à faire, contre leur propre sentiment, quelque chose de mal concerté. J'avoue qu'en matière de vérités spéculatives il faut peser les voix, et non pas les compter; et que souvent même l'approbation de la multitude est regardée avec raison comme une marque d'erreur. Mais on ne sauroit appliquer cette maxime à la décision des affaires, qui sont entre les mains d'une assemblée, dont les membres ont tous un droit égal. En effet, qui décidera laquelle des deux opinions est la plus conforme aux règles de la prudence? Ce ne seront pas les parties mêmes: car aucune ne voudra recevoir l'autre pour juge en sa propre cause. Et y a-t-il quelqu'un qui ne se croie pas plus éclairé et plus habile que les autres? . . . Il n'y a guère moyen non plus de s'en remettre au jugement d'un tiers: car on peut aisément contester sur l'habileté ou sur l'intégrité de l'arbitre; et alors voilà une nouvelle dispute, pour la décision de laquelle il faudroit un autre arbitre, et ainsi de suite.'—*Droit de la Nature et des Gens*, trad. de Barbeyrac, VII. 2, § 15. See also Grot. *de Imp. Summ. Pot. circa Sacra*, cap. 4, § 6; Bayle, *Œuvres*, tom. III. p. 194.

CHAPTER VIII.

ON THE RELATION OF THE PRINCIPLE OF AUTHORITY TO THE DEMOCRATIC PRINCIPLE, AND TO THE REPRESENTATIVE SYSTEM OF GOVERNMENT.

§ 1. In the preceding chapter, we have considered the bearing of the principle of authority upon the action of a political body, and have shown how its mode of decision, though contravening that principle formally, is, in practice, brought more or less into conformity with it, and that the legal method of counting the votes is counteracted by many moral influences. It is proposed now to pursue the same subject further, and to inquire how far this principle serves as a basis for other political arrangements—and whether a similar conflict of forces may not be discerned in other departments of civil government.

The question as to the principle of special fitness, and its opposition to the principle of a simple arithmetical majority, is not confined to the action of political bodies, but it extends to some of the fundamental considerations affecting the structure and composition of a government, and the collocation of the sovereign power.

In former chapters, we have contrasted the small number of the competent judges on each subject—the guides to opinion who constitute authority—with the large majority who are uninformed and inexperienced in the matter, and unfit to guide others by their judgment. Now, the opposition between these two classes has always been recognised with respect to fitness for exercising the powers of government. The antithesis, in its various forms, more or less distinctly conceived, of—

> The few wise, and the many foolish;
> The few good, and the many bad;
> The few learned, and the many ignorant;
> The few philosophers, and the many anti-thinkers;

> The few competent, and the many incompetent;
> The few professional, and the many non-professional,[1]

has been the foundation of all the arguments and instincts in favour of aristocratic as against democratic rule,[2] so far as they have not had an interested origin, and have not arisen from a desire of retaining political privileges for a class to which the individual himself belonged.

On this principle, the words, *ἀγαθοί, ἄριστοι, καλοικαγαθοί, ἐπιεικεῖς, ἐσθλοί, σοφοί, βέλτιστοι, χρηστοί, boni, optimi, optimates*, were used by the Greeks and Romans to signify the governing few, while the majority, or mere people, were called *κακοί, πονηροί, δειλοί, mali cives*, &c. By degrees, the former words lost their primitive moral acceptation, and came to signify merely the oligarchical class.[3] In like manner, the term *ἀριστοκρατία*,[4] which originally, as used by Plato and Aristotle, signified the government of the *best* citizens, has come to mean the government of the *Few*, in a sense equivalent to oligarchy. Expressions similar to those just mentioned occur in more modern times, as the German *boni homines*[5] and *probi homines*, or *gude männer*, the Italian *buonuomini*, the French *prudhommes*, and the *Witena-gemot* of the Saxons, as applied to magistrates and governing persons. The councils of old men in antiquity, (*βουλὴ γερόντων* in Homer, the gerusia of Sparta, the senate of Rome,[6]) and the *seniores* and *aldermen* of the Germanic nations,[7] had likewise the same meaning; inasmuch as wisdom, the fruit of experience, was considered the attribute of old age, and the peculiar characteristic of aged councillors. On the other hand, many words which denoted originally a low class in society have, by a reverse process, acquired in modern times a moral signification; thus *villain, rogue*,

[1] Or *ἰδιῶται*, according to the Greek phrase. The word layman, *λαϊκός*, though properly opposed to a clergyman, is in English sometimes used in the general sense of non-professional.

[2] Compare Lord Brougham's chapter on the *Natural Aristocracy*.—*Pol. Phil.* vol. II. c. 4.

[3] See Welcker's Pref. to *Theognis*, § 9–17; Grote, *Hist. of Greece*, vol. III. p. 62. Pindar, *Pyth.* II. 160, calls the Few (as distinguished both from the One and the Many) *οἱ σοφοί*.

[4] See Mr. Stanley on *ἀριστοκρατία*, *Classical Museum*, vol. IV. p. 286.

[5] On the German boni homines,—Grimm *D. Rechtsalterthümer*, p. 294.

[6] *Βουλὴ γερόντων* among the Greeks, *Iliad* II. 53; among the Trojans, III. 149–52. Sallust, *Bell. Cat.* c. 6, says of the Roman senate: 'Delecti, quibus corpus annis infirmum, ingenium sapientiâ validum erat, rcipublicæ consultabant. Hi vel ætate vel curæ similitudine Patres appellabantur.' Compare Bodin. *De Rep.* III. c. 1.

[7] See Grimm, *ib.* pp. 266, 268.

rascal, *scoundrel*, *cattivo*, *chetif*, and *caitiff*, from *captivus*, have been transferred from baseness of social condition to baseness of conduct.

It was upon the view just stated, that the opinions of the Socratic school of philosophers concerning government were mainly founded. They looked upon government as an art, which was to be exercised by the ablest and most virtuous men in the State for the general benefit, in the same manner that a ship was steered by the best pilot for the sake of all the crew. Thus, Xenophon, in his tract upon the Athenian State, completely identifies the aristocratic and popular parties respectively with the good and bad in a moral sense: 'In every country (he says) the best portion of the citizens is hostile to the democracy; for among the best citizens there is the least dishonesty and irregularity of conduct, and the greatest strictness of principle, while among the people there is the greatest want of intelligence and of good conduct, and the least virtue.'[1] In another passage, he remarks that the people wish to be governed by a person of bad character and without education, but well-disposed to them, rather than by a person of good character and education, but hostile to them.[2] Elsewhere, he considers government in the light of a craft, for which nothing more than dexterity and management are requisite. In the introduction to his *Cyropædia*, he contrasts the proneness of men to revolt against their rulers with the obedience of horses to their grooms, and of cattle and sheep to their herdsmen; whence he infers, that man is the most difficult of all animals to govern; but, on considering the example of Cyrus, he thinks that the government of men is not an impossible, or even a difficult task, *provided it be performed with skill*.[3] So Plato founded his *aristocracy*, or Perfect State, not on the family, or wealth, but on the intelligence of the ruling body.[4] Aristotle says that 'aristocracy is the government of the best men absolutely, tried by the standard of moral virtue, and not by some arbitrary standard of excellence.' (*Pol.* IV. 5.) 'It is a government in which the magistracies are distributed according to virtue and moral worth' (III. 3). Xenophon and Aristotle agree in thinking that

[1] *De Rep. Ath.* c. 1. § 1–9, 14–15. See particularly § 5.
[2] § 7.
[3] Ἂν τις ἐπισταμένως τοῦτο πράσσῃ. I. 1, 3.
[4] See Ritter, *Gesch. der Phil.* vol. II. pp. 444–6.

government is an art to be exercised by the best men in the State, for the benefit of the community.[1]

This view of the most perfect commonwealth prevailed generally among the ancient philosophers, of all sects. They agreed, almost universally, in holding that a State ought to be governed by the wisest and best citizens, selected from the entire body on account of those qualities. This opinion is shared by Cicero, and is expounded by him in his treatise *De Republicâ*. He shows, moreover, how this moral notion of government is obliterated in process of time. 'As virtue (he says) is not only confined to a few, but can be recognised and discerned only by a few, the people begin to think that men of large possessions, as well as those of noble descent, are the *best* men. Accordingly, when, on account of this popular error, the wealth, not the virtue, of a few has come to govern the State, these great men continue to keep a firm hold on the name of *Optimates*, though they are devoid of the reality. For no form of government is worse than that in which the richest are considered the best' (I. 34). Nor does Cicero treat this as a mere speculative and ideal distinction, but he applies it in practice. In his oration *Pro Sextio*, in the celebrated passage on the opposition between the Optimates and Populares in the Roman State, in his own time, he rests the distinction mainly on moral grounds: 'Those who said and did what they thought would be acceptable to the multitude were called *Populares*; whereas they who so conducted themselves that their advice received the approbation of all the best men, were called *Optimates*.' He proceeds to say that the latter class are numerous, and are to be found in every rank of citizens, from the leaders of the senate to men residing in municipia and the country, traders, and even freedmen. He concludes by declaring, that although this class of persons is widely diffused through the community, their character may be summed up in this brief definition: 'Omnes optimates sunt, qui neque nocentes sunt, nec naturâ improbi, nec furiosi, nec malis domesticis impediti,' (c. 45.)

Many writers who witnessed the working of the popular influence in the republics of antiquity, and in those of Italy during the Middle age, have expressed, in strong terms, their sense of the unfitness of the people for guiding and governing the State. They have dwelt upon its ignorance, its incapacity, its want of virtue

[1] Xen. *Mem.* III. 2; Aristot. *Pol.* III. 4.

and moral principle, its inexperience in public affairs, and its inability to form a sound judgment, or to devise useful measures in reference to them, its proneness to be acted upon by sudden passions, its turbulence, and its blind headlong violence, which hurries it forward like a winter torrent. It would be as reasonable, they say, to consult the multitude about the management of public affairs, as to expect sanity of mind from a madman.[1]

More modern writers have (with Cicero) remarked that the word *people* may have a double signification: it may either signify the populace, or the multitude, as opposed to the rich and great; or it may mean ordinary persons, as opposed to the wise, the able, and the virtuous; in which latter case it includes members of all classes in society, high as well as low.[2]

In the free States of recent times, the direct action of the mass of the people upon the government has been moderated by the representative system, which has established an intermediate stage between the popular suffrage and the legislative measure. This circumstance, combined with the invention of printing, and the consequent diffusion of knowledge, has caused the democratic action to be regarded with less alarm. Nevertheless, a certain amount of intelligence and education has almost always been pointed out as a qualification for the exercise of the powers of government; and the existence of a franchise founded on property has been defended, in part, on the ground of its securing a requisite amount of education. This feeling in modern societies has likewise been sharpened by the fact, that the entire community consists of freemen, and that the working classes, forming the bulk of the poor population, are not slaves, as in the ancient republics. The alleged defect of capacity for government, and of a respect for order and the rights of property, in the multitude, has repeatedly been urged as a reason for excluding them from political power.

§ 2. The theory of government, which we have now described in general terms, proceeds on the assumption, that there is a complete analogy between the choice of governors and the choice of

[1] See Note A. at the end of the chapter.

[2] 'Qui dit le peuple dit plus d'une chose; c'est une vaste expression; et l'on s'étonneroit de voir ce qu'elle embrasse, et jusques où elle s'étend; il y a le peuple qui est opposé aux grands—c'est la populace et la multitude: il y a le peuple qui est opposé aux sages, aux habiles, aux vertueux; ce sont les grands comme les petits.'—La Bruyère, *Caractères*, c. 9.

persons skilled in any profession, art, or handicraft; and that the choice of rulers can be made on the same principle as the choice of a lawyer, or physician, or skilled artificer. The analogy, however, fails in several essential points:—

First: The province of government is so vast—it comprehends so many, and such multifarious subjects, that it scarcely admits of any special training.[1] The very idea of a sovereign government is, that it can regulate *all* the concerns and interests of its subjects; that its field of power is unlimited in the matters which it embraces: 'The union of several heads of families (says Grotius) into a Nation or State, gives to the body the greatest power over its members which it can possess—for it is the most perfect of societies; and there is no external act of a man which does not, of itself, refer to that society, or which may not refer to it under certain circumstances.'[2] There is no branch of human knowledge, no art or applied science, which may not be put in requisition for the purposes of civil government. For this reason, (as has been already remarked,) no special or professional training can be devised which will fit a person for a civil governor, in the same manner as a person may be fitted for the profession of a lawyer, a physician, a soldier, or a clergyman. To a certain extent, indeed, a person may qualify himself professionally for the career of a statesman. He may study political science and political history—he may acquire some knowledge of general jurisprudence, and of the positive law of the country—he may, by experience, learn all the practical questions of the day—he may become conversant with the forms of business, and the proceedings of parliamentary, judicial, and official bodies—he may study public opinion in its various manifestations—he may watch the character and feelings of the different classes and sections of the community—he may observe international relations, the changes and interests of foreign states, and the commerce of the world. It can scarcely be disputed that such a habit of mind as this will fit a person for the work of government better than an entire absence of such a direction of the thoughts. Such qualifications are, however, to a certain extent, possessed or claimed by almost every educated man,

[1] See above, c. 7, § 15. Aristotle refers to an idea entertained by some that there is a training proper to a ruler; thus, he says, the sons of kings are taught the management of horses, and political knowledge; and he cites some lines of Euripides bearing on the subject.—*Pol.* III. 2. As to the inexpediency of the profession of politician, see Lord Brougham's *Pol. Phil.* vol. II. pp. 29–33.

[2] *B. J. et P.* II. 5, § 23.

and every reader of a newspaper; and it is difficult to judge as to their comparative degree.[1]

It is true that there may be a special training for persons employed in subordinate executive offices under a government—as judges, soldiers, sailors, &c. Each one of these may qualify himself, by study and experience, for a definite and limited department of public business; and he may continue to discharge his functions, undisturbed by the changes which affect the persons composing the supreme legislative body. But the difficulty stated above arises, because the supreme government of a country has no limited department, (like a subordinate executive functionary,) but has a sphere of action perfectly indefinite.

Secondly: in cases where we consult a professional person, or *peritus*, on a question relating to his own art, we invest him with no power over ourselves. We ask his advice upon a matter awaiting our decision, and if we think fit we abide by that advice. The physician prescribes a certain regimen of health, and we follow his prescription; a lawyer advises us to bring an action, in order to establish or defend a right, and we commence legal proceedings accordingly. But in both cases the decision is our own; we act voluntarily, although we may follow the advice blindly, and without understanding its grounds. In the choice of our rulers, however, the case is widely different. By appointing persons to exercise the sovereign government of the country, we give them an absolute, unlimited, and irresponsible power over us, so far as *legal* securities are concerned. However extensive may be their knowledge of politics, and however good their private character and morals, they cannot be treated as mere *artists in government;* the temptation to the abuse of their power, for their own benefit and that of their own class, cannot be altogether overlooked.[2] The Greek demagogues, who acquired political power by defending the people against the oligarchical party, and afterwards abused the confidence thus obtained by investing themselves with despotic

[1] Aristotle remarks that to perceive a political evil in its germ, before it has become considerable, requires a statesman, and is beyond the reach of an ordinary man: *τὸ ἐν ἀρχῇ γινόμενον κακὸν γνῶναι οὐ τοῦ τυχόντος ἀλλὰ πολιτικοῦ ἀνδρός.—Pol.* V. 8.

Mr. Henry Taylor's able work, entitled the *Statesman*, is in fact a collection of practical maxims with respect to the transaction of *official business*, and the conduct of a public man *in office*; very valuable and instructive, as being the result of long, intelligent observation; but it is confined within these limits.—See Note B. at the end of the chapter.

[2] See Note C. at the end of the chapter.

power, were doubtless, in many cases, originally men of patriotic sentiments, who yielded to the temptations of their position.[1]

If it were true (as several speculators on politics have thought) that, by some contrivance of constitutional checks, and balance of powers, the supreme government of a country can be legally limited, this objection might, to a certain extent, be got over. The liability to abuse might be repressed by the system of checks; and the ruler might be chosen merely for his skill and dexterity, as we choose the pilot of a ship. But unfortunately all these speculations are vain—there is no power to which a sovereign government is legally subject; it is only controlled by moral influences, and the force of public opinion.[2]

Thirdly: it must be borne in mind that, even in cases where persons are disposed to select their governors on the principle in question, their choice is generally limited by considerations of political *party*. They may be willing to select their own party leaders, or persons recommended by their party leaders, or belonging to their own party—but they will not raise to power persons who are connected with a political party opposed to their own.

Fourthly: it must not be overlooked that, in questions of government, it is often important to conciliate support to public measures, by giving to persons a voice in the decision, and by interesting them in the proper execution and success of the law, even although their advice or opinion may be intrinsically of little value. Besides, the opinions of the enlightened few may prescribe measures so distasteful to the bulk of the people, and founded on principles so little admitted by the general public, that great danger would arise from their adoption in a pure and unmodified shape; the principle of authority and special fitness, if stretched far in matters of government, might lead to violent resistance, not because the measures of the government were *bad*, but because they were *too good*. It was on this account that the reforms of Joseph II. produced an insurrection in Austrian Flanders. Some temperament is necessary, in order to insure to the less advanced and enlightened part of the community, always a numerous body, their due share in the conduct of the government. In public

[1] See Herod. III. 82; Grote, *Hist. of Gr.* vol. III. pp. 25, 29; comp. Aristot. *Pol.* VI. 1: ἀεὶ γὰρ ζητοῦσι τὸ ἴσον καὶ τὸ δίκαιον οἱ ἥττους, οἱ δὲ κρατοῦντες οὐδὲν φροντίζουσι.

[2] Majestas est summa in cives ac subditos *legibusque soluta* potestas.—BODINUS, *De Rep.* I. 8, (p. 113.) Summus dicitur qui nullius imperio tenetur, et cæteros cives, tum universos, tum singulos, coercere potest.—*Id.* II. 2, (p. 292.)

affairs, people do not defer blindly to the judgment of their rulers, as in the case of professional advisers; nor is there always an easy and direct appeal to the result, as in the works of skilled artificers. A prudent ruler will not always adopt the course which he thinks most conducive to the general interest, if it is highly unacceptable to the body of the people.[1]

In order that the analogy between the choice of rulers and the choice of professional men having special aptitude should be complete—in order that political government should be considered as an art, and its exercise regulated on the same principles as an art—it would be necessary that the governors should be designated by some extraneous influence—enlightened, well-affected to the State, and incorruptible; and should be renewed by the same choice if they were found wanting to their duties, and if they yielded to the temptations of their situation. A practical solution of the problem would be found, if the rulers could be appointed and removed in the same manner as a guardian for a minor is appointed and removed by a court of justice. But, as no such external superintending influence can be obtained—as no foreign nation can or will be trusted in such a matter[2]—recourse must be had to other securities, and another principle of selection.

§ 3. The only principle which presents itself for adoption, is the representation of individual interests, irrespective of the fitness of each person to judge of them, or the simple *numerical* principle of government.[3]

In considering the manner in which this principle is to be ap-

[1] See Bacon's remarks on the danger of an ideal standard of perfection in practical politics.—*Adv. of Learning*, vol. II. p. 27. Cato, optimo animo utens, et summâ fide, nocet interdum reipublicæ. Dicit enim tamquam in Platonis πολιτείᾳ, non tamquam in Romuli fæce, sententiam.—Cic. *ad Att.* II. 1, § 6.

[2] The Italian podestà was a chief magistrate, with extensive powers, chosen from a neighbouring State. The office was annual, and was intended to secure a person free from the partialities with which a citizen of the republic would be infected. In certain cases, he was not to marry, or have any kinsman resident within the territory over which he presided, and was even prohibited from eating or drinking in the house of a citizen. (See Muratori, *Diss.* 46; and Hallam's *M. A.* vol. I. 386.) This singular institution was an attempt to secure such an impartial influence as is described in the text.

[3] According to M. de Tocqueville, the power of the majority in the United States rests on the following foundations: 'L'empire moral de la majorité se fonde en partie sur cette idée, qu'il y a plus de lumières et de sagesse dans beaucoup d'hommes que dans un seul—dans le nombre des législateurs que dans le choix. C'est la théorie de l'égalité appliquée aux intelligences. Cette doctrine attaque l'orgueil de l'homme dans son dernier asyle: aussi la minorité l'admet-elle avec peine; elle ne s'y habitue qu'à la longue. . . . L'empire moral de la majorité se fonde encore sur ce principe, que les

plied, and the extent to which it is to be carried, we may observe, that great concessions have been made to the opposite principle of fitness, on the ground of special qualification, even in those States where the system of numerical equality has been carried to the farthest point.

Beginning with the ancient republics, we see that, even in those which admitted the numerical or democratic principle to the fullest extent, there was, in the first place, a total exclusion of the numerous class of slaves, and, secondly, an exclusion of all free women and males under a certain age. By these deductions from the principle of an universal comprehension of individual interests, the body of citizens exercising political franchises was reduced to a fractional part of the entire population. For example, in the Athenian State, during its purely democratic period, the numbers would stand thus:—

Adult male free citizens, exercising political franchises	21,000
Free women and children	63,000
Slaves	400,000

In the modern European States, and in the northern States of the American Union, there is no slave-class, and the entire community is personally free. But the pure numerical principle is, in all these communities, seriously infringed by the elimination of the women[1] and children; and in the European States, the number of adult males exercising political franchises is reduced by various qualifications of property, residence, taxation, &c. In all these cases, the exclusion is made on the ground of unfitness for

intérêts du plus grand nombre doivent être préférés à ceux du petit.'—*La Démocratie en Amérique*, vol. II. pp. 139-40.

By interest is meant what each person supposes to be his interest—what he wishes—not what a competent judge might consider as his true interest, looking to remote consequences, and taking a wide view. See Note D. at the end of the chapter.

[1] Mr. Bayley, in his work on the *Rationale of Political Representation*, discusses at length the question of the exclusion of women from the elective franchise, (pp. 236–42.) He discards at once the argument, that their interest is involved in that of the male sex; since, as he truly states, the interest (or at least the supposed interest) of men and women is often not identical. He might have added, that if the interests of men and women are identical, there is no apparent reason why the women should not govern, and the men be excluded from the franchise. Mr. Bayley is a good deal embarrassed by this question; and after showing an inclination to the qualified admission of women, he ends by deciding the question, with reference to England, on special grounds. Women, he remarks, in boroughs, not being in general householders, would not be entitled to vote; and the franchise might be conferred on widows and single women, keeping houses of the requisite value. With respect to the admission of women into a supreme legislative assembly, he says nothing.

exercising the powers of government. The principle of fitness is further practically recognised by popular constituencies, as well as by popular representative assemblies, in the manner pointed out in the last chapter.

The system of party, as has already been remarked, is one of the most potent means by which the principle of authority is rendered predominant over numbers, and the votes of the majority are brought under the control of a few persons. In almost all free States, the community—so far as it takes an active concern in public affairs—is divided into two or more parties, each provided with chiefs or leaders, who guide their policy, and each recognising some common doctrine or principle of action. In the ancient republics, these parties were founded on the distinction between the aristocratic and democratic interests, that distinction being differently determined at different historical periods—at one time, a few noble families against the rest of the citizens—at another, the rich indiscriminately against the middle class and the poor. In the Italian republics, the celebrated party division of Guelfs and Ghibellines was derived from the conflict between the Emperor and the Pope; afterwards other party distinctions, as that of the Neri and Bianchi at Florence, were founded on incidents peculiar to each State. The party distinctions of modern times, beginning in England with the Civil War, and pervading both State and Church, are too well known to require more than a reference to them. It has been perceived from an early time, that organisation is as necessary for success in political as in military affairs; and that any political cause or principle is more likely to prevail, if its adherents, sinking minor points of difference, act together under a common leader.[1] The interest of persons desirous of establishing certain political principles, has thus led them to merge their own individuality in the body, and to defer spontaneously to the principle of authority.

We are now looking at political party on its favourable side; but the benefits which it tends to produce, by reducing to unity the discordant actions of a multitude, and by substituting the ascendancy of qualified leaders for the unchecked operation of the

[1] Livy describes the plebeians, in their secession to the Mons Sacer, after the affair of Virginia, as unable to answer the messengers of the senate, not because they had nothing to say, but because they had no leader (III. 50). Upon which event, Machiavel remarks: 'La qual cosa dimostra appunto la inutilità d'una moltitudine senza capo.'—*Disc.* I. 44. See above, c. 7, § 12.

numerical principle, are subject to serious deductions on account of the abuses to which it is liable. These abuses are so serious, as often to outweigh the advantages which would otherwise spring from the system. They may, for the most part, be referred to two heads: viz., 1st, the choice of bad leaders, and, 2nd, the hatred of the opposite party; on both which subjects we shall make some remarks lower down, in connection with the abuses to which the principle of authority is incident.[1]

A leader of a political party, or a person in whom the people have confidence, and for whom they entertain respect, may, if he be inclined, often soothe them, and incline them to reasonable counsels when in a state of excitement; according to the well-known description of Virgil:

> Ac veluti magno in populo cum sæpe coorta est
> Seditio, sævitque animis ignobile vulgus;
> Jamque faces et saxa volant; furor arma ministrat;
> Tum pietate gravem et meritis si forte virum quem
> Conspexere, silent, arrectisque auribus adstant;
> Ille regit dictis animos, et pectora mulcet. (*Æn.* I. 148.[2])

Similar in its nature to the system of political party (as subordinating the minds of many to a few, and turning them to a common object), is the system of association within a State for a definite political purpose. Associations of this sort have been often formed in free States, and have been attended with important effects. It has been, for some time past, a constant practice in this country to form associations for accomplishing certain public ends, and agitating certain political questions, whether connected with the reform of the law, the education of the people, pauperism, emigration, health, trade, or other subjects of general interest. In the United States, numerous associations have likewise been formed for similar purposes.[3] By associations of this sort, the political influence and energies of large numbers are collected into a single focus, and brought to bear on a common point. They likewise call public attention forcibly to the policy or measure which they are desirous of pro-

[1] Below, c. 10, § 7.

[2] See Machiavel, *Disc.* I. 54, who refers to some historical examples.

[3] M. de Tocqueville, *La Démocratie en Amérique*, tom. III. p. 231, appears to think that the United States are the only country in which the principle of political associations is extensively used: 'Il n'y a qu'une nation sur la terre (he says) où l'on use chaque jour de la liberté illimitée de s'associer dans les vues politiques.' But this assertion is equally true of England.

moting; and they are often the means of throwing much light upon it, by bringing into existence, and training up, a set of persons who devote a large part of their time and thoughts to its illustration.[1] The influence of such associations is further increased by their preparation and diffusion of printed works, and their connection with the newspaper press, of which more will be said presently. The whole of this influence is necessarily set in motion and directed by a few minds, whom the body of the members of the association follow as their leaders for this limited object.

Generally it may be affirmed that, in proportion as the mass of the people are in a reasonable and well-disposed state of mind, they will make a good choice of their political leader; that they will watch his conduct and scrutinise his motives with an enlightened jealousy, but will, to a considerable extent, defer to his judgment, if his general behaviour should show him to be worthy of confidence.

§ 4. The numerical principle is further controlled by the principle of special fitness, through the agency of the representative system of government.

In the small city republics of antiquity, every citizen could, with little or no difficulty, attend the general assembly, the ecclesia or comitia, and the popular courts of justice. There was, therefore, in these minute and simply organised commonwealths, no physical impediment to a direct personal exercise, by each citizen, of his share of the sovereign power. When, however, the dominion of Rome was extended to the whole of Italy, and the Italian allies had fought their way to the rights of citizenship, it was found that the old system of government was no longer applicable, and the Roman world submitted to a monarchical regimen. Since the middle age, a partition of the governing powers was, to a certain extent, recognised in the European States under a royal chief; and the power of granting supplies or aids to the Crown, and, to some extent, of concurring in the enactment of laws, was generally

[1] Tocqueville, *La Démocratie en Amérique*, tom. II. p. 31: 'Une association consiste seulement dans l'adhésion publique que donnent un certain nombre d'individus à telles ou telles doctrines, et dans l'engagement qu'ils contractent de concourir d'une certaine façon à les faire prévaloir. . Quand une opinion est représentée par une association, elle est obligée de prendre une forme plus nette et plus précise. Elle compte ses partisans et les compromet dans sa cause. Ceux-ci apprennent eux-mêmes à se connaître les uns les autres, et leur ardeur s'accroît de leur nombre. L'association réunit en faisceau les efforts des esprits divergens, et les pousse avec vigueur vers un seul but clairement indiqué par elle.' See below, ch. 9, § 20.

admitted to reside in the estates of the realm—the clergy, nobles, and commons. Hence arose naturally the expedient of deputing delegates from these bodies, or from the more numerous of them—the Commons—to represent the entire estate in negotiating with the Crown.[1]

Such was the origin of the representative principle of government, which has become the foundation of the political edifice in the modern civilised world—has spread over a large part of Europe since 1815, and is likely to become universal in all countries above the semi-barbarous stage of society.

This system, while it secures to the popular voice a decisive share in the conduct of the government, tends, by the several means described above, to give considerable weight to the opinion of a few fit judges, and to substitute a firmer and more fixed rule of decision for the fluctuating and unconnected opinions of a large multitude. That tendency is further strengthened, if it be admitted that a representative is to judge for himself on public questions, taking for his general standard the welfare of the entire community, and not to act as the mere organ or delegate of his own constituency.

Those, indeed, who wish to give the widest effect to the numerical principle of government, maintain that the representative ought to be a sort of envoy, sent from his constituents to treat with the other members of the supreme assembly—and, moreover, an envoy bound by his instructions, and not an envoy plenipotentiary.[2] But in taking this view of the functions of a deputy to a supreme legislative body, they can scarcely have fully considered the consequences which it involves, or attempted to reconcile it with the working of such an assembly. Unless the proceedings of a legislative assembly are to be so paralysed as nearly to deprive it of all independent action, its members must be allowed to originate motions and propositions, and numerous questions will be brought before it by petition or message from other quarters. To

[1] The principles of representative government are stated in Lord Brougham's *Pol. Phil.* vol. III. p. 33.

[2] According to M. de Tocqueville, this view of the position of a representative is gaining ground in the United States: 'Il se répand de plus en plus aux États-Unis une coutume qui finira par rendre vaines les garanties du gouvernement représentatif: il arrive très fréquemment, que les électeurs, en nommant un député, lui tracent un plan de conduite et lui imposent un certain nombre d'obligations positives dont il ne saurait nullement s'écarter. Au tumulte près, c'est comme si la majorité elle-même délibérait sur la place publique.'—*La Démocratie en Amérique*, tom. III. p. 138.

these may be added, questions respecting the mode of transacting its business, the appointment of select committees, and other matters relating to the procedure of the assembly. By these various means, numerous questions will arise from day to day which could not be anticipated, and as to which reference must be made by each member to his constituents. In whatever way these references were disposed of, a delay would ensue, which would render the transaction of business to any large amount, by a body so fettered, wholly impracticable. Furthermore, when the question has been remitted to the constituency for its decision, how is the decision to be obtained? A constituency is not a deliberative body, which can meet in one place, discuss a question, and come to a vote upon it. Every such question would have to be decided, without joint deliberation, by a poll. The cumbrousness, imperfection, and even expense, of this process would render such a mode of government intolerable. An attempt to govern the United Kingdom by polling every constituency, upon all the questions involved in the daily business of Parliament, is so manifestly absurd, that the mere statement of it is a sufficient refutation. The Diet of a Federal Union might transact business on these terms; but only provided that the questions were few in number, and the instructions were decided by a small deliberative assembly sitting in each State.[1] If, however, an assembly consisted only of members acting on positive instructions, it would be without any deliberative character, as its decision would, in each case, be predetermined, and each deputy would only have to vote as directed. An assembly composed of such puppets would be destitute of dignity or importance, and might as well not exist. It would be sufficient for a central office to collect the votes of the several constituencies, and to add them together, without giving each constituency the trouble of sending a messenger to convey its decision. It may be

[1] This is the case with the Swiss Diet, according to the description of Mr. Grote, in his *Letters on the Politics of Switzerland*: 'It is to be remarked that every deputy present votes, not agreeably to any opinion of his own, but to instructions received from the Great Council, or supreme legislative authority, in his own Canton; which may sometimes, though this does not often happen, confer upon him plenary powers of self-decision upon some given subject; but, excepting in these cases, the instructions prepared in each separate Canton include conditions, or adopt modifications, different from each other, which usually prevent any number of deputies from concurring in one substantive proposition. . . . . In fact, the forms and language of the Diet consider each deputy as an ambassador from his Canton; he is always styled "Der Gesandte des Standes—" by the president, when inviting the opinions of every one at the table seriatim, and most frequently so styled throughout the course of discussion.' (p. 28.)

added that, even in the case of ambassadors, or other representative agents employed by a sovereign government, where instructions to a certain extent are necessary, experience has shown that the most successful plan is to select a person of ability, prudence, and honesty, and to give him a considerable latitude of discretion. Those governments and those ministers have, in general, been best served who have been careful in the selection of their instruments, but have given them large powers, and have treated them with confidence and consideration; and a similar remark is applicable to the relation of a constituency and its representative.

It has long been the established doctrine among constitutional authorities in this country, that a member of the Commons' House of Parliament represents the entire kingdom, and not merely the district for which he is returned.[1] The question of *instructions* or *pledges* has, however, been agitated for a long series of years; though the public have always returned to the conviction, that any legally binding restraint upon the conduct of members of Parliament is neither expedient nor practicable. Hume[2] remarked long ago that this question is, in fact, one of *degree*; all admit, he says, that a member ought to attach some weight to the views of his constituents; all admit that he is not absolutely bound by their instructions. The difficulty is, to hit the right mean between these extremes. It cannot, indeed, be disputed, that it is the duty of every representative to watch over the peculiar interests of that district which he more immediately represents, and to which he is directly responsible; and to secure, so far as he is able, that a due regard be paid to its interest, in connection with the general interests of the community. But he must not pursue that interest exclusively, or make it his paramount object, as if he belonged to a federal diet, in which each member is an ambassador from a sovereign and independent State, treating with the other ambassadors according to his instructions.[3]

[1] Speaking of the Commons' House of Parliament, Blackstone says: 'Every member, though chosen by one particular district, when elected and returned serves for the whole realm. For the end of his coming thither is not particular, but general; not barely to advantage his constituents, but the *common* wealth. . . . And therefore he is not bound, like a deputy in the United Provinces, to consult with, or take the advice of, his constituents upon any particular point, unless he himself thinks it proper or prudent so to do.'—*Comment.* vol. I. p. 159; and see Lord Brougham, *Pol. Phil.* vol. III. c. 6.

[2] *Essays*, Part I. Ess. 4. (*Works*, vol. III. p. 36.)

[3] The subject of *instructions* to representatives, in a supreme legislature, is dis-

The practice of binding members by peremptory instructions obtains in the Hungarian Parliament; and it cannot properly be considered as belonging to a democratic, more than to an aristocratic form of government. It is, in fact, the mark of a narrow and jealous spirit, not comprehending the true spirit of the representative system, and it is sure to give way in proportion as that system is well understood.

By the various means which have been adverted to, the principle of simple numerical equality within a representative assembly and a popular constituency is powerfully controlled and modified, in practice, by the principle of personal worth and fitness. In most countries, too, where a representative constitution exists, the principle of numerical equality is further encroached upon by limitations, more or less considerable, of the political suffrage.[1]

§ 5. It will be proper here to advert to the remarks made by M. de Tocqueville, upon the ill effect of what he has termed the 'omnipotence,' the 'tyranny,' and the 'despotism,' of the majority in the United States;[2] inasmuch as they bear directly upon the subject we are now considering.

cussed by Mr. Bayley, in his *Rationale of Representative Government*, p. 122–37; and as to *pledges*, see pp. 313–26. As to the representation of *local* interests, see p. 137.

[1] Respecting the limitation of the elective suffrage by qualifications founded on *property* and *age*, see Bayley. *Rationale of Repres. Government*, p. 230–5.

Aristotle remarks, that the oligarchical principle of personal worth dependent on wealth, and the democratic principle of entire political equality, were, in general, carried too far in the Greek oligarchies and democracies: the Few thought that, because they were unequal in something, they ought to be unequal in everything; the Many, that because they were equal in something, they ought to be equal in everything. Hence, they drove these principles to extremes, and the governments were unstable. Wherefore, he adds, the principle of (absolute) numerical equality ought to be mixed with the principle of (proportionate) equality, according to personal worth. *Pol.* V. 1.

[2] 'La toute-puissance me semble en soi une chose mauvaise et dangereuse. Son exercice me paraît au-dessus des forces de l'homme, quel qu'il soit, et je ne vois que Dieu qui puisse sans danger être tout-puissant, parceque sa sagesse et sa justice sont toujours égales à son pouvoir. Il n'y a donc pas sur la terre d'autorité si respectable en elle-même, ou revêtue d'un droit si sacré, que je voulusse laisser agir sans contrôle et dominer sans obstacles. . . . . Ce que je reproche le plus au gouvernement démocratique, tel qu'on l'a organisé aux États-Unis, ce n'est pas, comme beaucoup de gens le prétendent en Europe, sa faiblesse; mais au contraire sa force irrésistible. Et ce qui me répugne le plus en Amérique, ce n'est pas l'extrême liberté qui y règne, c'est le peu de garantie qu'on y trouve contre la tyrannie.'—*La Démocratie en Amérique*, tom. II. p. 148. The whole of this reasoning is founded on the erroneous supposition that it is possible, in *any* form of government, to make the sovereign government legally responsible. The majority in the United States is omnipotent in the same sense in which the Parliament in England is said to be omnipotent—that is to say, its power is subject to no legal limitation.

We have already had occasion to observe that, whatever is the supreme governing power in a State, its action is *legally* uncontrolled. If this be what is meant by tyranny, the power of the Many is tyrannical in a democracy; but it is only tyrannical in the sense in which the power of the One is tyrannical in a monarchy, and of the Few in an aristocracy. To speak of *tyrannical* power in such a sense is, in fact, merely to affirm the admitted fact, (or rather the identical proposition,) that a sovereign government is not subject to any legal control.

Those, however, who complain of the tyranny of the majority in the United States, probably have in view chiefly its moral influence, and not its legal power—or, at least, the combination of the one with the other.[1]

Now, it is inevitable that the prevailing opinions and sentiments of the people, in every country, should influence the public expression of thought. This is not in any way peculiar to America. The main difference between the United States and many European countries is, that in the former the press is legally free, while in the latter it is (or was till lately) subject to severe restrictions. That there are many subjects on which, in the United States, a writer, perhaps without independent means of subsistence, may be unwilling to offend public opinion, cannot be doubted; but similar prudential considerations will be found to influence the writers of all countries.[2] For the expression of political

[1] 'De nos jours, les souverains les plus absolus de l'Europe ne sauraient empêcher certaines pensées hostiles à leur autorité, de circuler sourdement dans leurs États et jusqu'au sein de leurs cours. Il n'en est de même en Amérique: tant que la majorité est douteuse, on parle; mais dès qu'elle s'est irrévocablement prononçée, chacun se tait; et amis comme ennemis semblent alors s'attacher de concert à son char. . . . Je ne connais pas de pays où il règne en général moins d'indépendance d'esprit et de véritable liberté de discussion qu'en Amérique. . . . . En Amérique, la majorité trace un cercle formidable autour de la pensée. Au dedans de ces limites, l'écrivain est libre, mais malheur à lui s'il ose en sortir. Ce n'est pas qu'il ait à craindre un auto-da-fé, [or, it may be added, a prosecution by the government, or a seizure by the police,] mais il est en butte à des dégoûts de tous genres, et à des persécutions de tous les jours. La carrière politique lui est fermée; il a offensé la seule puissance qui ait la faculté de l'ouvrir; on lui refuse tout, jusqu'à la gloire.'—*La Démocratie en Amérique*, tom. II. pp. 152–4.

[2] For a proof (if any be needed) of the discouragement afforded by public opinion to men of science and original thinkers, in countries not democratic, see Montesquieu's description in his *Lettres Persanes*, No. 145. He says that formerly every man of science was accused of magic; he is now accused of irreligion: 'S'il écrit quelque histoire, et qu'il ait de la noblesse dans l'esprit, et quelque droiture dans le cœur, on lui suscite mille persécutions. On ira contre lui soulever le magistrat, sur un fait qui s'est passé il y a mille ans; et on voudra que sa plume soit captive, si elle n'est pas

opinions in the United States, there appears to be the utmost practical liberty, and the fullest opportunity. Every section and shade of opinion, every local interest, every part of the country, seems to possess its organ in the press. On the question of slavery, opinion has of late years been peculiarly envenomed, and attempts have been made by the predominant slaveholding interest to suppress the agitation of the question of emancipation by force; but these efforts have been only partially successful, and have met with much resistance. On philosophical questions, there may be less liberty of thought; but this, as we shall remark below, is only common to America with other countries.

It is further complained that the omnipotence of the majority in the United States creates a habit of adulation towards the people, which lowers the morality of public men, by rendering them servile and insincere; and, in short, by giving them the character of the mob-courtier.[1]

But it is vain to hope that this evil can be prevented by any constitutional arrangement; by any modification of the form of government. Men will, in every State, find out the real seat of power; and many will seek to gain the favour of its possessors by flattering their vanity, by exaggerating their good qualities, and by practising the various arts of cajolery, and affected attachment, and simulated deference, which are likely to serve their immediate purpose. Incense of this sort will be offered up on every altar, whatever may be the divinity to whose worship the temple is dedicated. Certainly, there never yet has been any country where power has not had its interested worshippers. In America, however, as in other free countries, the mere opposition of parties renders it nearly certain, that no defect in the conduct of the government will long remain unnoticed; and whatever sensitiveness the people may there exhibit with respect to the exposure of

vénale.' He concludes thus: 'Enfin il faut joindre *à une réputation équivoque*, la privation des plaisirs, et la perte de la santé.'

'Monarchies (says Hume) receiving their chief stability from a superstitious reverence to priests and princes, have commonly abridged the liberty of reasoning with regard to religion and politics, and consequently metaphysics and morals. All these form the most considerable branches of science.'—*Essays*, Part I. Ess. 14.

[1] Tocqueville, *La Démocratie en Amérique*, tom. II. pp. 158, 160. M. de Tocqueville makes at the end this admission: 'Pour moi, je crois que dans tous les gouvernemens, quels qu'ils soient, la bassesse s'attachera à la force, et la flatterie au pouvoir. Et je ne connais qu'un moyen d'empêcher que les hommes ne se dégradent: c'est de n'accorder à personne, *avec la toute-puissance*, le souverain pouvoir de les avilir.'—p. 161. The question, therefore, returns to the former difficulty: whether it is possible to impose any legal check on a sovereign government.

their own defects,[1] it is certain that this has not been either a universal or even a common weakness in national character. The people of Athens assembled to hear themselves unmercifully ridiculed, and even personified on the stage, in the witty comedies of Aristophanes; and Machiavel accounts for the erroneous belief as to the peculiar inconstancy and folly of the people, by saying that, under a popular government, every one speaks ill of the people with freedom and without fear; whereas no one speaks of an absolute Prince without a thousand fears and precautions.[2]

In all countries, the prevailing tone of public opinion will exercise much influence on the expression of thought. Its influence will perhaps be greater in free countries, as in these the government has little power of protecting an unpopular minority. But the only effectual remedy for the evil, is the diffusion of a tolerant principle of judgment, and the disposition to respect the opinions of those who are qualified to form sound conclusions on each subject, and who give to the public the result of diligent, conscientious, and independent investigations. It is impossible that all men should be equally well-informed, and equally competent to judge for themselves; but it is possible that they should learn to treat with lenity the opinions of a dissident minority.

The virtuous man, firmly anchored to his own principles, not tossed about on the waves of popular favour or caprice, nor making himself the organ of the fury or folly of the people, but pursuing their interest against their wishes, is a subject of just admiration. On the other hand, it is to be remembered that good men have been persecuted by rulers, as well as impelled to error or crime by the populace; and that it is an equally edifying spectacle to see wisdom, or patriotism, or virtue, struggling against the oppression of the Few, as resisting the impetuous violence of the Many.

> Justum et tenacem propositi virum
> Non civium ardor prava jubentium,
> Non vultus instantis tyranni,
> Mente quatit solidâ.

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[1] 'Chez les nations les plus fières de l'ancien monde, on a publié des ouvrages destinés à peindre fidèlement les vices et les ridicules des contemporains. . . . Mais la puissance qui domine aux États-Unis n'entend point ainsi qu'on la joue. Le plus léger reproche la blesse, la moindre vérité piquante l'effarouche; et il faut qu'on loue depuis les formes de son langage jusqu'à ses plus solides vertus. Aucun écrivain, quelle que soit sa renommée, ne peut échapper à cette obligation d'encenser ses concitoyens.'—*La Démocratie en Amérique*, tom. II. p. 155.

[2] L'opinione contro ai Popoli nasce [illegible] perchè de' popoli ciascun dice male senza paura e

§ 6. It follows, from what has been said in this and the preceding chapter, that popular government, as now understood and carried into effect, for large territories, by means of the representative system, is to a great extent founded, legally and theoretically, upon the numerical principle; but that, morally and in practice, the working of this principle is modified, counteracted, and crossed in various directions, by the influence of the antagonist principle of special fitness.[1] In arranging the terms of this compromise, and in adapting them to a given community, lies the secret of a free constitution.

A compromise of this kind (as we have already had occasion to remark in reference to the subject of Decision by a majority), necessarily implies a junction and an amalgamation of opposite principles. It supposes that sufficient weight will be given to the numerical principle, for interesting the bulk of the community in the existing order of things, and attaching them to the government; while such an admixture of the principle of special fitness will be secured, as will prevent the government from falling into the hands of persons who, from their ignorance, inexperience, or want of judgment, are incapable of properly directing its course.

The practical solution of this problem, so as to be attended with a reasonable amount of success, is perhaps the highest achievement of statesmanship, especially as it is always involved, to a greater or less extent, in a *circulus vitiosus*, from which no ingenuity can find an effectual escape. The difficulty to which we allude will appear from the following explanation.

In proportion as any community is in a low state of civilisation—as the people are turbulent, lazy, ignorant, improvident, and poor—as life and property are insecure, and as the different classes

liberamente mentre che regnano; de' Principi si parla sempre con mille paure e mille rispetti.—*Disc.* I. 58.

[1] 'Nothing appears more surprising to those who consider human affairs with a philosophical eye, than the easiness with which the many are governed by the few, and the implicit submission with which men resign their own sentiments and passions to those of their rulers. When we inquire by what means this wonder is effected, we shall find that, as force is always on the side of the governed, the governors have nothing to support them but opinion.'—HUME, *Essays*, Part I. 4: *Of the first Principles of Government.*

Upon consideration it will, I think, appear, that no means so effectual for giving weight to the opinion of a few competent persons as representative institutions have ever been devised. In the first place, each constituency select a person in whom they confide, and by whom they are willing to be represented; in the next place, the assembly formed of these representatives is in great measure guided by the opinions of the persons who lead the respective parties or sections of which it is composed.

of society are alienated from each other—in the same proportion is the need of a good and enlightened government great, and the advantages to be derived from its action important.

Nevertheless, the chances of its being well governed are in the inverse ratio of the magnitude of the need, and of the advantage. When the people are in the state described, it is not likely that they will make a good choice of representatives or leaders. The government resulting from their selection is not likely to enact wise laws, or to administer the laws with equity, discretion, impartiality and integrity; nor, if they fail in these respects, is it probable that they will be impelled into a right course by the pressure of public opinion. The action of the people upon their representatives may be expected to realise the image of the blind leading the blind.[1]

On the other hand, if a community has arrived at an advanced stage of civilisation—and is orderly, frugal, industrious, well-instructed, and wealthy, it may indeed be seriously injured by a bad government, but can scarcely hope to receive much benefit from a good one. Nevertheless, its government is more likely to be good than that of the other community; inasmuch as the people are likely to choose good representatives, and public opinion will exercise a beneficial control upon them and the executive government, when elected and acting.

The practical result is, that a community is least likely to obtain a good representative government when it is most wanted, and most likely to obtain one when it is least wanted.

Hence it might be thought, that a nation in a low state of civilisation is most likely to be well-governed by an absolute monarch; and many persons, contemplating the ineffectual struggles after an improved management of public affairs made by such a community, have sighed after an enlightened despotism. Setting aside the advantages to be derived from the gradual political training of a people by free popular institutions, it may be admitted that a really enlightened despotism would, in such a

[1] Speaking of the general body of electors in any country, Mr. Bayley says: 'In proportion to their ignorance, will they easily surrender themselves to the delusions of crafty impostors, and the designs of clever but unprincipled men. In the same proportion, also, will they be liable to be the sport of sudden impulses and violent gusts of passion, beyond the control of reason and virtue. No political arrangements can transmute the effects of ignorance into those of knowledge, or bring it to pass that an unenlightened people can be as well governed under free institutions as an enlightened one.'—*Rationale of Rep. Government*, p. 216.

case, often be the surest and most direct road to good government. But the difficulty is, to insure an enlightened despotism; for experience certainly does not lead us to believe that wise and good despots are easily found. It is by the dextrous assumption of this very doubtful question that Darius, in the supposed debate of the seven Persian conspirators, reported in Herodotus—the earliest discussion upon the respective advantages of the three forms of government—proves the superiority of absolute monarchy. 'Upon the hypothesis (he says) that each government is the best of its kind—that there is the best monarch, the best oligarchy, and the best people—I affirm that monarchy is the preferable form of government.'[1] If this hypothesis be admitted to the advocate of despotism, his main difficulty is removed. For the chief objection to a pure monarchy is, that it leaves to chance the character of the sovereign; whereas, in an aristocracy and a democracy, some securities exist for a due selection of the persons exercising the supreme power. To which it may be added, that in a country in a low state of civilisation, an enlightened despot would find his measures counteracted by the resistance of the people, or marred in their operation by the want of fit instruments for their enforcement.

NOTES TO CHAPTER VIII.

NOTE A. (page 175.)

SEE the speech of Megabyzus, in Herod. III. 81, recommending oligarchy: *ὁμίλου γὰρ ἀχρηίου οὐδέν ἐστιν ἀξυνετώτερον οὐδὲ ὑβριστότερον. . . . . κῶς γὰρ ἂν γινώσκοι, ὃς οὔτ' ἐδιδάχθη οὐδὲ οἶδε καλὸν οὐδὲν οὐδ' οἰκήιον; ὠθέει τε ἐμπεσὼν τὰ πρήγματα ἄνευ νόου, χειμάρρῳ ποταμῷ ἴκελος.* Compare Demosth. *de Fals. Leg.* p. 383.

With respect to popular government in the Italian republics, Muratori makes the following remark: 'Hassi ora di osservare che quantunque non si possa negare, che molti comodi e beni talora provvennero dal reggimento popolare; tuttavia certo è altresì, che non lievi incomodi se ne provarono una volta; perchè non è atto abbastanza il popolo ignorante e rozzo, e nulla pratico del politico governo, e sovente suggetto a torbide passioni, di prendere saggie ed utili risoluzioni ne' grandi affari; e massimamente se interviene a' consigli la matta feccia del popolo, e dalla pluralità de' voti dipendè la determinazion delle cose.' He then cites the following passage from Ferreto's *Cronica*, respecting a war of the Paduans against Venice: 'Ad hæc plebiscita vocati sunt plebis magistratus, et

[1] Herod. III. 82.

inanis populi multitudo, qui, velut æstuans dictabat impetus, fieri prorsus densis vocibus clamitabant. Nempe vesana est vulgi latrantis opinio, quum imperite judicium profert de rebus incognitis. Quid enim huic cum virtute, cum prudentiâ? Quid temperatum aut forte est? Vendant opifices, emantque merces sordidas. Fabri incudes feriant, et ceteri illiberalium cultores artium sua lucra provideant; non se gravibus optimisque viris, quoties de virtute agitur, stolidi inserant; quod non intelligunt, discutere nolint; nec velut putant, id bonum esse fateantur.'—(MURATORI, *Diss.* 52; tom. III. p. 128.) This passage contains a distinct statement of the doctrine that the government ought to be vested in the intelligent and virtuous few, and that the ignorant and turbulent many ought to be excluded. There is likewise mixed with it the ancient Greek prejudice against *τέχναι βάναυσοι*.

The same views occur in the treatise of Bodinus *On Government*: 'Et quidem mirum debet videri, si plebs imperita, id est, multorum capitum immanis quædam hydra, rectam ullam sententiam ferat. Certè quidem ab imperitâ multitudine consilium rerum gerendarum petere, aliud nihil est, quam a furioso sanitatem. . . . Quid autem absurdius, quam pro legibus habere levis et imperitæ multitudinis temeritatem, quæ ad mandandos honores cæco sæpius et inconsiderato impetu quam certo et explorato judicio fertur? Quid magis furiosum, quam extremis reipublicæ periculis ab insanâ plebe consilium petere? nihil enim injussi magistratus obire possunt; nec si possint, velint; et ut velint tamen [non] audent, perterriti furore plebis, quæ adversos casus ac sua peccata regerit in ipsos magistratus.'—BODINUS *de Rep.* VI. 4, pp. 1087, 1088. This treatise was published in 1576. See Bayle, *Dict.* in v. Note D.

NOTE B. (page 177.)

'In choosing persons for all employments, they have more regard to good morals than to great abilities; for, since government is necessary to mankind, they believe that the common size of understanding is fitted to some station or other, and that Providence never intended to make the management of public affairs a mystery, to be comprehended only by a few persons of sublime genius, of which there seldom are three born in an age. But they suppose truth, justice, temperance, and the like, to be in every man's power, the practice of which virtues, assisted by *experience* and a good intention, would qualify any man for the service of his country, *except where a course of study is required.* But they thought the want of moral virtues was so far from being supplied by superior endowments of the mind, that employments could never be put into such dangerous hands as those of persons so qualified; and, at least, that the mistakes committed by ignorance, in a virtuous disposition, would never be of such fatal consequence to the public weal as the practices of a man whose inclinations led him to be corrupt, and who had great abilities to manage, to multiply, and defend his corruptions.'—*Gulliver's Travels, Lilliput*, p. 81.

The above remarks of Swift represent what may be considered, at present, as the popular and prevailing view of the subject. It seems to be generally thought, that *good intentions* in a ruler are the first consideration, and that, provided he *desires* to benefit the community, his capacity for *judging* of the best means for accomplishing his end is of secondary importance. Nevertheless, experience has

shown that the delusions of short-sighted benevolence have been productive of very mischievous consequences to nations.

Elsewhere, Swift expresses similar opinions as to the sufficiency of unaided common sense for conducting the affairs of civil government.

'He confined the knowledge of governing within very narrow bounds—to common sense and reason, to justice and lenity, to the speedy determination of civil and criminal causes, with some other obvious topics, which are not worth considering. And he gave it for his opinion, that whoever could make two ears of corn, or two blades of grass, to grow upon a spot of ground, where only one grew before, would deserve better of mankind, and do more essential service to his country, than the whole race of politicians put together.'—*Ib., Brobdignag*, p. 228.

According to this last doctrine, an improving farmer would confer a greater benefit on his country than the most enlightened and patriotic statesman. This is not Cicero's opinion: 'Neque enim est ulla res in quâ propius ad Deorum numen virtus accedat humana, quam civitates aut condere novas aut conservare jam conditas.'—*De Rep.* I. 7.

The following passage likewise refers to the prevalence of the opinion, that common sense is sufficient for the affairs of government:—

'Un homme d'esprit n'est point jaloux d'un ouvrier qui a travaillé une bonne épée, ou d'un statuaire qui vient d'achever une belle figure. Il sait qu'il y a dans ces arts des règles et une méthode qu'on ne devine point; qu'il y a des outils à manier dont il ne connoît ni l'usage, ni le nom, ni la figure; et il lui suffit de penser qu'il n'a point fait l'apprentissage d'un certain métier, pour se consoler de n'y être point maître. Il peut au contraire être susceptible d'envie et même de jalousie contre un ministre et contre ceux qui gouvernent, comme si la raison et le bon sens, qui lui sont communs avec eux, étoient les seuls instruments qui servent à régir un état et à présider aux affaires publiques, et qu'ils dussent suppléer aux règles, aux préceptes, à l'expérience.'—La Bruyère, *Caractères*, c. 11.

Note C. (page 177.)

Aristotle, *Pol.* VI. 4, says that one of the best forms of government is when all the citizens have the right of judging, and calling the magistrates to account, and electing the magistrates; but there is a property qualification for the chief offices. The result of this is, that while the people exercise their due influence, the best men govern, but are subject to responsibility; and irresponsibility, he remarks, is too great a trial for the depravity of human nature: *τὸ γὰρ ἐπανακρέμασθαι, καὶ μὴ πᾶν ἐξεῖναι ποιεῖν ὅτι ἂν δόξῃ, συμφέρον ἐστίν· ἡ γὰρ ἐξουσία τοῦ πράττειν ὅτι ἂν ἐθέλῃ τὶς οὐ δύναται φυλάττειν τὸ ἐν ἑκάστῳ τῶν ἀνθρώπων φαῦλον. ὥστε ἀναγκαῖον συμβαίνειν ὅπερ ἐστὶν ὠφελιμώτατον ἐν ταῖς πολιτείαις, ἄρχειν τοὺς ἐπιεικεῖς ἀναμαρτήτους ὄντας, μηδὲν ἐλαττουμένου τοῦ πλήθους.*

In another place, the same philosopher points out the fallaciousness of an argument, founded on the supposed analogy between government and arts. It had been alleged, as an argument in favour of an arbitrary king, as opposed to a government according to laws, that a physician ought not to be bound by written rules, but should be left to his own discretion. To which Aristotle answers, that physicians gain their pay for curing a sick man, and have no motive of favour to deprave their judgment; but that persons invested with political power do many

things from grounds of affection or dislike. Even physicians, he says, when sick, call in other physicians, and trainers for the games employ other trainers, as distrusting their own judgment about themselves.—(*Pol.* III. 11.)

NOTE D. (page 180.)

The principle of numerical equality in government, as the characteristic of democracy, is clearly opposed to the principle of special worth or fitness by Aristotle, in the following passage:—

τὸ δίκαιον τὸ δημοτικὸν τὸ ἴσον ἔχειν ἐστὶ κατ' ἀριθμὸν, ἀλλὰ μὴ κατ' ἀξίαν· τούτου δ' ὄντος τοῦ δικαίου, τὸ πλῆθος ἀναγκαῖον εἶναι κύριον, καὶ ὅτι ἂν δόξῃ τοῖς πλείοσι τοῦτ' εἶναι καὶ τέλος, καὶ τοῦτ' εἶναι τὸ δίκαιον· φασὶ γὰρ δεῖν ἴσον ἔχειν ἕκαστον τῶν πολιτῶν. *Pol.* VI. 1; and lower down he says, that *τὸ δίκαιον τὸ δημοκρατικὸν* is *τὸ ἴσον ἔχειν ἅπαντας κατ' ἀριθμόν.*

CHAPTER IX.

ON THE PROPAGATION OF SOUND OPINIONS BY THE CREATION OF A TRUSTWORTHY AUTHORITY.

§ 1. NEW opinions, founded on a legitimate process of observation and inference, are generally worked out in solitude by persons of studious and reflective habits; and they are, when once accredited and established among men of science, expounded, illustrated, and diffused, by popular writers. The two provinces of discovery and diffusion are usually divided; for the power of original thought, and the power of perspicuous elementary exposition, are often not combined in the same mind.

Respecting opinions so formed and so propagated, no general proposition can be laid down. Their character as to soundness will depend on the peculiarities of the several persons with whom they originate; and the reception which they meet with from the public will be determined by its capacity to form a judgment on the matter. For example: the existence of a man with such mighty powers of discovery and demonstration as Newton, and the recognition of his doctrines among his contemporaries, depend upon causes which do not admit of being generalised. The same remark applies to individual writers belonging to professions, or specially conversant with any subject, who treat the question with the authority derived from their own appropriate knowledge and fitness.

In this chapter, it is proposed to consider what are the chief permanent influences, in a modern civilised country, for the authentication of opinions; from what authoritative sources opinions are chiefly diffused; and what securities exist for rendering those guides of general opinion trustworthy. It may be observed, however, that in treating this question, it is difficult always to distinguish the diffusion of opinions by authority, from their diffusion by argument; for that which is argument to one man, is often authority to another. A reasoned proof of a certain position

is put forward in writing, or in oral discourse; one person may be convinced by the reasoning, while another, who has not followed, or perhaps even become aware of the argument, adopts the conclusion, because he has confidence in its promulgator. All opinions are diffused by a mixture of self-conviction and authority: B believes a general truth, because A has proved it; and C believes it likewise, because B is satisfied with the proof. Thus, in a battle, when one part of an army has yielded before an overwhelming attack, the other parts retreat—not because they are attacked, but because the remainder has been repulsed.

Independently of single writers (who cannot be brought under any general description,) the principal agents in the authorisation and diffusion of opinions may be classed under the four following heads:—

I. The supreme civil government of a country, and the persons exercising public functions under it.

II. The heads of an established church, and of other churches or religious bodies.

III. Subordinate associations for political, scientific, literary, and other miscellaneous purposes, including universities and places of learning.

IV. The periodical press: daily, weekly, monthly, and quarterly.

We will now attempt to ascertain how far each of the influences in question operates, and to what extent its operation is beneficial, or otherwise, for the purpose under consideration.

§ 2. I. Before we can examine the influence of a government in authorising and propagating opinions, we have first to consider the preliminary question—how far is it the *duty* of a government to diffuse and encourage truth, and to repress and discourage error? This question divides itself into two branches,—viz., the encouragement or discouragement of opinions on religion, and the encouragement or discouragement of opinions on secular subjects.

In one sense, the province of a government is unlimited. There is no subject within the circle of human affairs and interests which it does not comprehend. The State is called *omnipotent*—that is to say, it can exercise for any purpose, and to any extent, the powers which are at its command. But although its province is theoretically unlimited, and its powers theoretically unbounded, there are in practice limits, not only to its powers, but to the purposes to which these powers can be applied with propriety and

advantage. There is no subject with which it cannot legally interfere; but there are many subjects with which it cannot fitly interfere. Now, when we speak of the duty of the State to interfere with any matter, there is no other criterion for trying this duty than the fitness of the interference. If the interference is likely to be attended with advantage to the community—if the end to which it is directed be good, and it be likely to promote that end, then the duty of the State is to interfere. But if, although the end is admitted to be good, the interference of the State is not likely to promote its accomplishment, and may even tend, on the whole, to counteract it, then it is not the duty of the State to interfere. For example, it may be conceded to be a desirable object that the maritime slave-trade should be suppressed all over the world. But whether it be the duty of any particular State to take active steps for the suppression of that trade, is a question which depends on the probable success which would attend the attempts made for this purpose, and their general result.

The question as to the duty of the State, with respect to the encouragement of truth and the discouragement of error, must be decided on these grounds. Everybody admits that (provided his own standard of judgment be adopted) it is right and fitting to encourage truth and discourage error. About the desirableness of the end there is an universal agreement. That the promotion of this end lies, theoretically and legally, within the province of the State—that a government possesses powers which can be directed towards this object—is certain. It follows that, if the attempt is likely to be attended with success, and to be, on the whole, advantageous to the community, it ought to be made;[1] but that, if the attempt is likely to fail, and the cause of truth is not likely to be promoted by it, the State ought not to interfere. The question, therefore, which we have to consider is, whether the State is likely to succeed in promoting truth and repressing error.

[1] Burlamaqui, *Principles of Nat. and Pol. Law*, part III. c. 2, lays it down, that as men's opinions influence their conduct, and thus strongly contribute to the good or evil of the State, it is the duty of the sovereign to neglect nothing that can contribute to the education of youth, to the advancement of the sciences, and to the progress of truth. Further, he assigns to the sovereign a right of judging of the doctrines publicly taught, and of proscribing all those which may be opposite to the public good and tranquillity. Hence he infers, that it belongs to the sovereign alone to establish academies and public schools of all kinds, and to authorise the respective professors; also to take care that nothing be taught in them, under any pretext, contrary to the fundamental maxims of natural law, or to the principles of religion or good politics—in a word, nothing capable of producing impressions prejudicial to the happiness of the State.

In order to arrive at a solution of this problem, we will confine ourselves, first, to the influence of the State with respect to religious truth—that portion of the subject upon which the greatest discrepancy of opinion prevails.

§ 3. In considering this question, we may limit ourselves to Christianity—the religion of the civilised world; and we may begin by observing, that the government of every civilised community may be expected to protect the ministers and congregations of all the recognised Christian sects in the public exercise of their religion, and to confer on them all the rights necessary for this purpose. It will, likewise, impose penalties upon certain acts which are condemned by all the different forms of Christianity, such as blasphemy, and the violation of the Lord's Day. An interference to this extent is implied in the general recognition of Christianity.

In order, however, to ascertain how far the State is fit to perform the function of encouraging religious truth, and discouraging religious error, we must confine our view to the distinctive marks of the several Christian confessions; and by religious truth and error, we must understand the truth of the peculiar tenets of one sect as distinguished from the errors of another sect. Now the fitness of the State for the performance of this function depends upon the efficacy of the means at its command, applicable to the purpose. These means may be reduced to the five following heads:—

1. Punishment for religious error.
2. Reward for religious orthodoxy.
3. Endowment of clergy and of public worship.
4. Public instruction.
5. Censorship of the press.[1]

Upon the efficacy of these means, or some of them, for the

[1] Mr. Gladstone gives the following enumeration of the modes in which it is possible for the State to lend aid to religion:—

'1. By the example of its profession and worship.

'2. By the adaptation of its laws to the rules of religion, wherever the same subject matter is within the view of both.

'3. By the constitutional recognition of a clerical estate as one of the great forces of society, and suitable provision for its action in that capacity.

'4. By supplying the temporal or pecuniary means for the propagation of the national creed.

'5. By repressive measures, such as the laws against blasphemy.

'6. By such general and indirect influences upon the quality of subjective religion, and upon the permanency or purity of sacred institutions, as result from a connection

establishment of the true form of Christianity in a country, as opposed to erroneous, heterodox, and heretical forms, the question before us turns.

§ 4. Until the age of the Reformation, the received doctrine in Christian Europe was, that the State was bound to treat religious error as a crime, to legislate *pro salute animæ*, and to punish heresy as it would punish homicide or theft. Every Christian State acted upon the received interpretation of the famous text, *compelle entrare*,[1] and drove into the fold of the Church all sheep which had either strayed, or belonged to any other shepherd. Conformity, exile, or death, were the three alternatives which it presented to the heterodox believer, owning its allegiance, and resident within its territory.

That the system of enforcing religious truth by punishment—the system which its enemies call religious persecution—has been, to a great extent, successful, cannot be disputed. It is impossible to doubt that, in the sixteenth and seventeenth centuries, the protestant or reformed faith was greatly checked by the temporal power of the catholic governments. It was checked in two ways: by preventing its entrance into a country, (as in Italy and Spain,) and by expelling it from countries in which it had taken root, (as in Southern Germany, France, and Flanders.)[2] The transportation of the Moriscoes from Spain, the expulsion of the Jews from several countries, and the destruction of the Christians in Japan,[3] afford other examples of the success of forcible measures for the extirpation of a creed which the government deemed erroneous.

The protestants, being in general the weaker party in the age of the reformation, and having set the example of dissenting from the established faith protected by the State, were, both by their logical position and their interest, led to question the received

between the Church and the State.'—*The State in its Relations with the Church*, vol. I. ch. 4, § 65.

The second, fifth, and sixth of these modes would be satisfied by a general recognition of Christianity, without giving a preference to any peculiar form of it. The first, third, and fourth, amount merely to the endowment of the clergy of a particular sect.

[1] *St. Luke*, XIV. 23. See Bayle's *Dissertation*, *Œuvres*, tom. II. p. 357. Compare Mr. Gladstone, *ib.* vol. II. ch. 8, §§ 91–3, where the progress of legislation in Europe with respect to religion is accurately deduced. On the duty of a prince to punish heretics, see Bayle, *ib.* p. 416; and on the degrees of severity with which religious error was repressed, *ib.* p. 414.

[2] See Ranke's *Popes*.

[3] See Bayle, *Dict.* art. *Japon*, note E.

doctrine as to the employment of force for the propagation of religious truth. Nevertheless, the ancient rule was upheld by a long time by protestant, as well as catholic governments; and enlightened writers of protestant confessions called it in question with hesitation and fear. Thus, Jeremy Taylor, in his *Liberty of Prophesying*, (1647,) discusses the question, 'Whether it be lawful for a prince to give toleration to several religions?' (sect. 16;) and Grotius, in his treatise *De Jure Belli et Pacis*, (1625,) examines the similar question, 'Whether it be permitted to make treaties and alliances with those who are not of the true religion,' (II. 15, §§ 8-22.) It is remarkable, too, that, notwithstanding the complaints justly made by the presbyterians and puritans of England and Scotland, with respect to their treatment by the Established Church, they nevertheless, when they had the power, showed a similar disposition to enforce their own faith by penal sanctions.[1]

By degrees, a different standard of duty, with respect to the enforcement of religious truth by penal sanctions, was established, and more tolerant notions as to freedom of conscience and discussion, in questions of religion, became prevalent. It was seen that religious error could not be effectually suppressed by severity, inasmuch as that which one nation regarded as error, another regarded as truth, and no common effort of the European governments would be made to put down or set up any one form of Christianity.[2] Moreover, the principle of leaving opinion free, where it does not tend to some act immediately and manifestly detrimental to society, has been gradually gaining strength since the sixteenth century, and has included religious opinions in its operation. The attempt to propagate religious truth, and to crush religious error, by the criminal law and by penal inflictions, though it has, to a certain extent, met with a very decided success, is subject to strong counteracting forces. A man who attests the sincerity of his religious faith by the sacrifice of his life, or of his native country, his worldly possessions, and his means of gaining a subsistence, is respected for his fortitude, dis-

[1] Concerning the general reception of the maxim, that Christian princes are bound to enforce religion by the civil sword, see Palmer *on the Church*, part V. c. 5, who still upholds the maxim. Concerning persecution by Protestant princes, see Bayle, *Œuvres*, tom. II. pp. 411, 509, 554. And as to the general maintenance of this principle by the reformers, though with progressive remonstrances against it, see Hallam, *Hist. of Lit. of Europe*, vol. II. c. 1, §§ 29-32; vol. III. c. 2, §§ 50-2.

[2] This conviction, brought about by the long continued miseries and devastations of the thirty years' war, was finally embodied in the treaty of Westphalia.

interestedness, and honesty, even by those who do not share his opinions. He is not regarded as a common malefactor, whose overt acts have been dangerous and pernicious to the security and peace of society, and have drawn down upon him the deserved punishment of the law. There is a sympathy with his sufferings, and a consciousness that the State, instead of gaining his conviction by the legitimate weapons of persuasion and reason, has, being the stronger, used its strength for causing its own opinion to prevail. A man who, like Galileo, makes a feigned and insincere submission to the opinion of the supreme power, and reads his recantation under duress, is scarcely considered a free agent, and his conversion confers but little credit upon the coercing party.[1] Hence, the use of force to diffuse religious opinions, by admitting the failure of reason in the individual case, has seemed to raise a presumption that reason was on the weaker side. True opinions in religion can, in the long run, only be propagated by reason, and that voluntary deference to authority which implies reason; but false opinions in religion can be as well propagated by force as true ones. The sword, the stake, or the gibbet, are as good arguments in behalf of Mahometanism as of Christianity. In this way, the use of the civil power to repress religious error, has been accounted almost as an admission that the other side were in the right; martyrdom has been regarded as a sign of truth as well as of sincerity; and the infant church has been said to have been watered by the blood of its martyrs.

From the combination of these causes, the system of enforcing religious doctrines by the civil sword, has been condemned by the general opinion of the civilised countries of Europe, and penal sanctions are no longer extended to the profession of a creed not authorised by the State. Both the reason and feelings of mankind are outraged, by applying to the diffusion of truth means which are used reluctantly and sparingly even for the punishment of overt acts against society.

> Cum ventum ad verum est, sensus moresque repugnant,
> Atque ipsa utilitas, justi prope mater et æqui.

The system of exterminating heresy by capital executions and wholesale deportation, may be considered as exploded in civilised Europe; but the discouragement of religious error by civil disabilities—by exclusion from certain political rights—still maintains

[1] Upon the insincerity caused by religious persecution, see Bayle, *ut sup.* p. 390.

its ground in some cases. Deprivation of civil rights is a species of penal infliction, and has been so considered in all systems of criminal law. The objection to its use for the purpose of repressing religious error, though less in degree, is therefore the same in principle.

§ 5. Penal measures for enforcing religious truth are, from their nature, directed exclusively against those who are without the pale of the orthodox church; they are intended partly, by their direct operation, to reduce the obstinate heretic to a right course—and partly, by their example, to deter those who are within the pale from straying out of it. Remuneratory measures, on the other hand, tending in the same direction, leave the obstinate heretic in his error, but seek to allure the more flexible, or more interested, adherent of heterodoxy to the adoption of the true faith, by the attraction of temporal advantage. Such, for instance, would be pecuniary rewards to any member of an erroneous faith who adopted the orthodox faith; or an offer of employment in the public service on the same terms. Of this nature were some of the measures in the penal laws against the Irish catholics; such as that which enabled a son who changed his creed to take possession of his father's property. Measures of this sort are, however, considered as a sort of seduction, or tampering with a man's conscience; the witnesses to the truth so obtained are regarded as purchased by a species of subornation, and their testimony is not of much weight. As it has always been thought the part of a courageous and conscientious man, not to surrender his religious opinions at the dictation of superior force, so it has always been considered disgraceful for a man to become an apostate from his religion for pecuniary gain. Martyrdom for opinion's sake has ever been accounted honourable; and proselytism effected by bribery is rarely eulogised, even by those who are members of the church into which the convert has been received. Hence the sense of honour, operating in a proscribed sect, holds its members together, and restrains them from swallowing the tempting baits held out to their cupidity by the State. The attempt to draw away persons from the camp of error by direct reward, and to induce them by a bounty to enlist under the banners of truth, obtains, therefore, only a limited and partial success. So far, however, as pecuniary temptations connected with the transmission of property, and rewards offered by a government in the way of

official emolument and public honours, exercise any proselytising influence, the proselytes are chiefly to be found among the wealthier classes. If James II. had succeeded in giving the Roman-catholics of England a monopoly of all public employments and distinctions, he would doubtless have gained over many converts in the upper ranks of society; but the body of the people (as in Ireland, under a similar system) would have retained their religious convictions unchanged.

§ 6. But, besides punishment and reward, the State can likewise employ Endowment as a means of encouraging religious truth. The endowment of the clergy, the provision of funds for the building and maintenance of churches, or for the support of ecclesiastical seminaries, and other similar applications of the national property or income, may be considered as serving the double purpose of consolidating and confirming the religious community which is thus exclusively assisted by the State, and of attracting into it the members of the other unendowed churches.

That an ecclesiastical endowment will diffuse religious truth, where apathy and indifference on religious matters exist, and where religion is untaught because there is no provision for teaching it, cannot be doubted. Where the ground is unoccupied, the endowed teacher will step into possession, and cultivate his allotted district. If he be industrious and skilful, his seed, being thrown into a field ready to receive it, will take root, and spring up and bear fruit. But it will be otherwise if the ground be already occupied by others, who contest the possession with him. In this case, his seed will be scattered to the winds, and there will be little or no harvest to gather into his garner.

When an endowed clergyman supplies a void which otherwise would remain unfilled—when he affords religious instruction to persons who would otherwise be uninstructed—when he preaches religious doctrine to persons who would otherwise hear no religious doctrine,—his influence in the propagation of the opinions of his confession cannot fail to be felt, provided that he addresses persons of the requisite amount of intelligence and information. But if he comes into conflict with unendowed clergymen—if he addresses persons who already receive religious instruction from others, whose minds are preoccupied with the doctrines of a different sect, and whose conscience is bound to the practice of other religious rites and observances—his influence becomes less important, and may

perhaps be nearly imperceptible. If religion was a subject on which all men were agreed, or if there was any one living authority on religious questions to which they were willing to defer—if religious opinions were not a matter of conscientious conviction, and maintained from a sense of moral obligation—if, when religious instruction and the means of religious worship were provided gratuitously by the State, every person might be expected to use them, rather than incur the expense of providing them for himself —if people flocked to the lessons of the endowed clergyman, as they would flock to the distribution of relief by the State, or as the Romans went to the public games—if men looked upon religion as an article to be procured at the cheapest cost, and for which they would make no pecuniary sacrifice—then the influence of Endowment, in propagating the peculiar religious opinions of the endowed sect, would be decisive. But these necessary conditions for its success, as a means of gaining over converts from other confessions, are wanting; and we accordingly find that it has failed, as an engine of proselytism. The most striking and decisive example is the case of the Irish Established Church—a complete system of exclusive endowment, founded on a territorial division of parishes, furnishing Protestant Episcopalian clergymen and churches, gratuitously, over the whole of Ireland, and intended to bring over the entire population to its creed. And yet, although it has existed since the Reformation, and has been assisted by active persecution and penal laws, it has never made any sensible impression upon the Presbyterian and Roman-catholic portions of the community, and it cannot, even at present, reckon among its adherents a ninth part of the population.

Dr. Chalmers has pointed out, with great clearness, the error of supposing that, if religious instruction be left to the natural laws of demand and supply, it will be obtained like any other marketable commodity. He remarks that, in the case of food or clothing, or any other article of necessity or comfort, the want is felt the more keenly the longer it remains unsatisfied; but that if a person has received no religious instruction, and is not in the habit of attending a place of religious worship, he does not require the services of any minister of religion, or seek to provide them for himself, if not provided for him by a public endowment. Hence, Dr. Chalmers speaks of the aggressive influence of an endowed clergy: he says that they must, by their teaching, create the very want which they satisfy; and he adverts to the efforts of

missionaries, who are paid by the country which sends them out, not by the country which receives them.[1]

The arguments of Dr. Chalmers on this subject are undoubtedly sound, so far as an opening to the labours of an endowed clergy is afforded by religious indifference, or the absence of other religious teachers. But if the endowed ministers are of a creed different from that of the people among whom they are planted, their aggressive efforts will probably not produce conversions to their own faith, but will merely irritate their hearers by the revival of slumbering controversies, and create divisions and discord, without increasing the numbers of their own flock. The same remark applies to Christian missionaries in a heathen country. Without an endowment, temporary or permanent, they cannot exist; but it is by no means certain that their efforts will be successful, or that their aggressions, even on the most mischievous and degrading forms of superstition, will be successful.[2]

More may be said in favour of the influence of endowment in imparting solidity and coherence to a religious body, in maintaining the consistency and purity of its doctrine, and in preventing defections from its ranks. Even in this respect, however, its efficacy is probably less than is often supposed. There is, in general, a tendency to overrate the influence of wealth and power in giving currency to opinions.[3] Reasoning and new doctrines have a sort of electric force; they penetrate unseen from mind to mind, and give a shock to intelligences far removed from the origin of impulse. This subtle influence not only despises the seductions

[1] See his *Lectures on National Churches*, pp. 50–2, 72; *On Endowments*, pp. 113, 118.

[2] According to Warburton, *Alliance of Church and State*, b. II., c. 3, the reasons of a public endowment for the ministers of a church are as follows:—

'1. To render the religious society, whose assistance the State so much wants, more firm and durable.

'2. To invite and encourage the clergy's best service to the State, in rendering those committed to their care, virtuous.

'3. And principally, in order to destroy that mutual dependency between the clergy and people, which arises from the former's being maintained by the voluntary contributions of the latter.'

Warburton does not appear to consider the propagation of religious truth, by *conversion*, as one of the ends of a church endowment.

[3] Thus Pius VI., when he visited the Emperor Joseph at Vienna, in remonstrating against his measures of ecclesiastical reform, is reported by Botta to have used (among others) the following argument: 'Altra dover esser la condizione della chiesa ristretta, povera, e perseguitata, altra quella della chiesa estesa quanto il mondo, ricca, e trionfante.'—*Storia d'Italia dal* 1789 *al* 1814, tom. I. p. 11.

of wealth and station, but even defies the threats of power. It is therefore dangerous for any church to rely on the mere agency of endowment, in maintaining it against adverse forces. Unless the lives and doctrines of its clergy are such as would influence the minds of their hearers, supposing the church were unendowed, it runs the risk of seeing its sphere of action curtailed. Up to the Revolution of 1789, the French Catholic Church had every advantage which could be derived from the countenance, assistance, protection, and favour of the State. It was established by law; it was exclusively and richly endowed; its clergy were numerous, held a high social position, and enjoyed important political privileges. Dissidents were discountenanced, oppressed, and scarcely tolerated. Everything that the State could do, or could give—exclusive favour, rank, wealth, consideration, political power, persecution of rivals and enemies—was done for and given to the French Church. Yet we know what was the result. It nursed up within its bosom a body of writers, who attacked not only Catholicism, but Christianity, with every weapon of argument, irony, ridicule and invective, and whose attacks circulated throughout Europe, and gave the tone to all aristocratic society and literature. And when the Revolution broke out, and the old French government was destroyed, the whole ecclesiastical system of France—establishment, endowment, and all their appendages—was swept away, as being a part of the political abuses against which the popular frenzy was directed; and it was found that whatever religious feeling survived, owed its continuance to causes wholly independent of the State endowment. Even in England, during the last century, much apathy and neglect of duty pervaded the Established Church, notwithstanding its endowed clergy; and their exertions were much stimulated by the disinterested efforts of the unendowed preachers called into action by Wesley and Whitefield.[1]

In fine, where there is a large body of people hesitating which

[1] 'In general, every religious sect, when it has once enjoyed for a century or two the security of a legal establishment, has found itself incapable of making any vigorous defence against any new sect which chose to attack its doctrine or discipline. Upon such occasions, the advantage in point of learning and good writing may sometimes be on the side of the Established Church; but the arts of popularity, all the arts of gaining proselytes, are constantly on the side of its adversaries. In England, those arts have been long neglected by the well-endowed clergy of the Established Church, and are at present chiefly cultivated by the dissenters and by the methodists.'—SMITH, *Wealth of Nations*, b. I. ch. 1, art. 3. The example of the Church of Rome might

creed to adopt, (as was the case in England during the reign of Elizabeth,) or where there is indifference or ignorance about religious matters, arising from the want of pastors, (as is the case in some of our large towns and manufacturing districts,) a State-endowment may be effectual in propagating religious doctrine. But where the boundaries of sects are well-defined, and their religious convictions deeply rooted; where an active, zealous body of unendowed clergy exists; where there is no religious indifference, but, on the contrary, a jealous maintenance of the distinctive doctrines of the particular creed, and a sensitive abhorrence of proselytism; where every member is regarded as the property of the congregation, whose defection to another sect is regretted as a common loss, and whose seduction is resented as a common injury—there the endeavours of an endowed clergy to draw the entire people within their fold, however earnest and unremitting, will certainly fail of success.

Upon an impartial consideration of the question, it will probably be seen that the beneficial influence of endowment, in religious matters, is felt less in the promotion of truth, than in improving the moral character of the minister as respects his flock, and in elevating and purifying the style of his teaching. A clergy dependent on the voluntary donations of their congregations are less likely to exercise a wholesome and independent influence upon their hearers, to abstain from fanatical appeals to their fears and hopes, and to preserve a sober and even course, than a clergy whose means of subsistence are derived from a fixed endowment. This effect of Endowment, however, does not properly belong to its power of propagating opinion, and therefore need not be here examined.

When a government tolerates no other creed than that which itself thinks good, and extirpates all other sects, diversity of religious opinion is prevented, and the opinion of the ruling power is the declared standard of religious truth. But when the government tolerates all religious opinions, and thus permits the existence of a plurality of sects, it must, if it desires to endow the clergy of one church exclusively, select the creed of the majority of the people.[1] If its choice was made solely on the ground of its

alone have convinced Adam Smith, that his proposition as to established churches required much limitation. But these remarks indicate the advantages of zeal, which may belong to an unendowed clergy.

[1] Vattel, *Law of Nations*, § 130, lays it down generally, that the religion of the

obligation to promote religious truth, it could not consistently stop at an endowment of the orthodox creed, but must proscribe the heterodox sects.

Now, on merely political grounds, there is much to be said in favour of endowing the clergy of the numerical majority of the people. If the endowment is to be exclusive, this is the most equitable and useful application which the State can make of the church property. But this system, though productive of considerable practical advantages, is nevertheless liable to serious objections. In the first place, the opinion of the majority of the population is not a correct, or, indeed, a recognised standard of belief, even in secular matters. In religious matters, it is still less applicable. The smaller sects, each of which constitutes an inconsiderable minority of the population, utterly repudiate any such measure of truth, and recognise only their own conscientious convictions, and the *dicta* of the teachers whose authority they reverence. By adopting this criterion, the State admits its own unfitness to judge of religious truth; and yet it refers to no other judge of acknowledged competency. In the second place, exclusive endowment, though less oppressive and intolerant than a proscription of religious error, and less offensive and vexatious than a system of State proselytism, nevertheless implies political inequality on religious grounds, and therefore creates a certain amount of religious discontent and discord. The unendowed sects, though they cannot complain of the intolerance of the government, yet complain of its partiality; and transfer to the political institutions of the State a portion of the dislike with which they regard a rival, but more favoured church.

Owing to these difficulties, both in theory and practice, two other plans have been resorted to by the governments of countries in which there is a plurality of Christian sects. One of them sacrifices the principle of church endowment—the other widens its operation. The one is, for the State to abstain altogether from

majority of the people ought to be established by law, and become the religion of the State. The case of Ireland may seem an exception to this rule, inasmuch as, in practice, Ireland is treated as a separate country: but it is to be borne in mind that the arrangement was made by the Protestant government of England; and the defenders of the Established Church of Ireland generally refer to its union with that of England, and say that the population of both countries ought to be taken jointly, in which case the Protestants are a majority. If Ireland had been an independent State, the entire church-endowment would not have been given by its government to the Protestant clergy.

the recognition of any religious body, from the establishment of any political standard of religious truth, and from the endowment of any church; the other is, for all the Christian churches and sects to be concurrently endowed by the State. Both of these plans avoid the evils of religious inequality—the latter by admitting, the former by rejecting, all sects indiscriminately. Neither of them sets up the opinion of the majority of the people or any other political standard of religious truth. The former is adopted in France, Belgium, Prussia, and other continental States, and, to a certain extent, in the United Kingdom; inasmuch as the Episcopal Protestant Church is established in England, while the Presbyterian Church is established in Scotland, and endowed in Ireland [1]—not to mention the colonies. The latter plan is adopted in the United States. The old system of exclusive toleration still subsists in the purely Catholic States of Southern Europe.

§ 7. Besides endowing the clergy of a particular sect, and defraying the expenses of its public worship, the State may also seek to promote religious truth by an interference with Public Instruction. It may establish schools having a certain religious character, and it may afford facilities for religious instruction of the same complexion. Its influence over public instruction may be exercised for the purpose of favouring the doctrines of a certain religious persuasion, so as to confirm some children in their actual faith, and to convert others to that faith.

Arguments similar to those which have been used above, in the case of ecclesiastical endowments, apply in the case of public instruction. Where children remain untaught in religion, from the want of teachers, and from mere neglect and indifference about religion, there the establishment of schools by the State, and the supply of religious instruction, will promote the spread of the peculiar religious opinions which may be inculcated in such schools: but where a spirit of sectarian repugnance exists, and the religious doctrines taught in the schools are considered by the people as unsound, parents will not send their children to receive the instruction, even gratuitously, or permit them to become attendants for the purpose of learning what they themselves believe to be error. Hence the establishment of government schools, for purposes of religious proselytism, may be expected to be attended

[1] Mr. Gladstone, *The State in its Relations with the Church*, ch. 3, § 47, sees no decisive objection to this system. He thinks that the connection of the State need not, in all cases, be exclusively with one church.

with no better success than that which accompanied the Protestant Charter Schools of Ireland.

The objections to an exclusive assistance of the schools of one religious denomination by the State, when the funds granted come, not from a permanent endowment, but from the annual taxation, have been so strongly felt, that in most modern countries, which give a public aid to instruction, the grant has been divested of an exclusive character, and has been made indiscriminately to schools of all religious sects. The principle of Concurrent Endowment, which has been more reluctantly admitted with respect to the maintenance of public worship, has been more readily applied to the assistance of public instruction.

§ 8. Besides punishment and reward, endowment of the clergy and public instruction, the only means available to the State for the promotion of religious truth, and the repression of religious error, is the Regulation of the Press by a Censorship. A censorship of the press, rigorously and consistently exercised, may unquestionably do much for preventing the circulation of heterodox religious opinions in a country. It did much for this purpose in most parts of Europe, in the first centuries after the invention of printing,[1] and it still does much for the same purpose in Italy and Spain. A censorship of the press has, however, at all times been met by evasions and indirect violations, and thus has been found an imperfect means of preventing the circulation of religious ideas. Books prohibited in one country were printed in another; they were introduced clandestinely, and were sought with the greater eagerness on account of the prohibition: the interest of the smuggler defeated the zeal of the censor.[2] The Reformers of the six-

[1] See Sarpi, l. VI. c. 5. The entire passage, with the answer of Pallavicini, is given in Brischar, *Controversen Sarpi's und Pallavicini's in der Geschichte des Trienter Concils*, vol. II. pp. 347–58. See also Hoffmann, *Geschichte der Büchercensur*, (Berlin, 1819,) c. 2; Hallam, *Literature of Europe*, vol. II. c. 8. §§ 69–72; Disraeli, *Curiosities of Literature*, p. 250. ed. 10.

[2] Madame de Stael makes the following remarks upon the efficacy of the censorship of the press in the last century: 'On se plaît à dire en France que c'est précisément par égard pour la religion et pour les mœurs qu'on a de tout temps eu des censeurs, et néanmoins il suffit de comparer l'esprit de la littérature en Angleterre, depuis que la liberté de la presse y est établie, avec les divers écrits qui ont paru sous le règne arbitraire de Charles II., et sous celui du Régent et Louis XV. en France. La licence des écrits a été portée chez les Français, dans le dernier siècle, à un degré qui fait horreur. Il en est de même en Italie, où, de tout temps, on a soumis cependant la presse aux restrictions les plus gênantes. L'ignorance dans la masse, et l'indépendance la plus désordonnée dans les esprits distingués, est toujours le résultat de la contrainte.' —*Considérations sur la Révolution Française*, part VI. c. 5.

teenth and seventeenth, and the Freethinkers of the eighteenth century, were able to inundate Europe with their writings, in spite of the Catholic censors of the press.

At present, a censorship of the press, either for religious or other purposes, would not be submitted to by the countries which enjoy a popular government. In those States of Germany which have retained a censorship, it has been lately applied almost exclusively to the current political discussion, and has left a wide latitude to theological controversy. Practically, therefore, a censorship of the press can scarcely be enumerated among the engines which a government can now use for the repression of religious error. The same remark applies with still greater force to a *Law of Libel*, the practical effect of which, in regulating serious argumentative controversy on religious questions, may be considered as nearly insensible.

§ 9. The general result, therefore, at which we arrive is, that although the promotion of religious truth, and the repression of religious error, are universally admitted to be desirable objects, yet the State is not able, by the means at its disposal, to compass them effectually; and that not only will its attempts to attain them be wholly or in great part unsuccessful, but that they will be attended with serious incidental evils. For the fruitless efforts made by the State are not merely so much labour wasted and thrown away: the attempts to propagate its own religious creed disturb civil society—they aggravate and embitter the existing dissensions and animosities of the rival sects, and create new causes of discord, which would not otherwise have existed.[1]

§ 10. This result, however, which establishes the practical doctrine, that the State is to be neutral in questions involving religious truth and error, startles many persons, both practical statesmen and speculative reasoners. It seems to them to involve the consequence that, by being neutral, the State declares its indifference to religious truth, or even its hostility to religion. They think that the State, by its omission to take a part in the controversy, implies an opinion that the question at issue is unimportant. The abstinence of the State from identifying itself with

[1] Sully represented to the king—'Qu'il y avait assez long-temps que la différence des religions donnait en France les scènes les plus tragiques; qu'elle était une source de calamités et de désordres, par l'aversion qu'on inspirait au peuple contre ceux qui étaient d'une croyance différente de la sienne: ce qui se pratiquait également de la part des catholiques et des protestans.'—*Mémoires*, liv. V. tom. V. p. 165.

one of the rival churches, appears to them in the light of a sinful neglect of religious duty—or even a profession of religious unbelief. The following seems to be the train of thought by which they are led to this conclusion :—

'The State is the highest, most important, and most comprehensive of all societies. Its ends and its powers are unlimited. It embraces the whole circle of human interests. It commands the whole sum of human faculties and powers. The mind and the body, the hopes of a future, and the reality of the present life, are equally within the scope of its influence. All other societies are limited in their objects. A church is limited to religion, a municipality to the care of its local interests, a university to learning, a mercantile company to trading, a scientific society to science, and so on. All other societies are limited likewise in their powers. They are all subordinate to the State; they derive their legal rights from its grant, and are restricted by its control to a defined province. But a State is unlimited, both in its objects and its powers. It may select any end; it may employ any means for compassing that end. It may assume any character; it may, if it thinks fit, make the cultivation of literature, art, or science, one of its objects, and direct all its political agents and powers towards the attainment of that object.

'Now, the noblest and most exalted end of the State is, to make its citizens virtuous and happy, and to promote, not only their temporal, but also their eternal happiness. This object is best accomplished by making them religious; and, therefore, if a State observes neutrality in religious affairs, and leaves them exclusively to the care of the church—if it does not establish a political standard of truth, and a political conscience, in matters of religious faith, it abandons its highest duty, it desecrates its noblest functions, and it allows the largest powers, applicable to the most important object, to lie unused. The most valuable talent committed to its keeping is suffered, through its culpable neglect and indifference, to remain in the napkin. The State is not merely an institution for the protection of life and property: it comprehends higher interests; it seeks to make men good, as well as safe and rich; it seeks, not merely to protect their bodies, but also to improve their minds and benefit their souls—it aims at spiritual, as well as secular and temporal ends. At all events, though its agencies be laic, it has a religious character, and recognises religion as the basis of civil polity. It is a *persona*

moralis, and, as such, it has a corporate conscience in affairs of religion.'

§ 11. Such appears to be a summary of the principal arguments used against the neutrality of the State in questions involving religious truth. Assuming it to be a correct representation of their general tenor, I would remark that, although the basis may be admitted to be sound, the superstructure is of very different materials. It is true that the State is not necessarily limited to the protection of life and property: its objects are unlimited, not less than the means at its disposal. There is nothing in the nature or essence of a State which would prevent it from making the promotion of religious truth one of its ends, and from seeking to attain that end by all the means in its power. Unquestionably, the State might propose to itself the same end, and assume the same duties as the church; it might lay down articles of faith, regulate forms of worship, condemn propositions; in short, exercise all the spiritual functions which are exercised by the pope, if it thought fit so to do.[1] In the middle ages, it was considered the duty of a Christian State to prevent Jerusalem from remaining in the possession of a Mahometan nation. It is competent to a State to adopt this, or any similar religious end, and to pursue it at any sacrifice of life, treasure, and temporal tranquillity or prosperity, provided such sacrifice were needed for the attainment of the religious end.

But, (as we have shown in the preceding remarks,) experience has proved that the State is not fit for the office of promoting religious truth, and repressing religious error; that these functions are not successfully discharged by the civil magistrate, and that they are better performed when left to the exclusive care of spiritual and ecclesiastical teachers.[2] There is nothing in the

[1] The treatise of Grotius, *De Imperio Summarum Potestatum circa Sacra*, has for its object to prove, that things sacred and spiritual are subject to the dominion of the sovereign of the State, and that the Church is not independent of the Civil power: see c. 1. and 8. It is directed against those writers of the Church of Rome who maintained the legal and temporal supremacy of the Church in things ecclesiastical and spiritual. As to the supremacy of the civil sovereign in things spiritual as well as temporal, see Burlamaqui, *Principles of Nat. and Pol. Law*, part III. c. 3; Vattel, *Law of Nations*, §§ 139, 140.

[2] Warburton, in his *Alliance of Church and State*, b. II. c. 1, lays it down, that 'the care of civil society extends only to the body and its concerns, and the care of religious society only to the soul.' His whole theory is accurately summed up in Mr. Gladstone's treatise, *On the Relations of Church and State*, ch. I. §§ 16, 17. Mr. Gladstone remarks upon it: 'It is a very low theory of Government which teaches,

constitution or essence of a State which is inconsistent with its being a judge of religious truth, but it discharges this duty ill. It is capable of doing the work of the church; but the work is better done by the church without its assistance. The State ought to abstain from the assumption of a sectarian character, and from undertaking to decide on disputed questions of religious truth, for the same reason that it ought to abstain from carrying on trade or manufactures. It is capable of trading, but it makes a bad trader; it is capable of manufacturing, but it makes a bad manufacturer. So the State is capable of acting the part of a theologian, but it makes a bad theologian. Hence, it is a manifest sophism to infer that, because a person does not wish to see the State undertake to promote religious truth, he is indifferent or hostile to religion. As well might it be inferred that, because he does not wish to see the State engage in trade, he is hostile to trade. If he thinks the promotion of religious truth a function unsuited to the State, and suited exclusively to the church—if he thinks that it ought to be performed by an ecclesiastical, and not by a political agency, he cannot, supposing him to be friendly both to Church and State, desire to see it assumed by the latter.

There is a constant tendency, not only among the contrivers of political Utopias and ideal commonwealths, but also among practical politicians, to over-estimate the capabilities of a government; to assume that it can exercise a greater influence over the community than it really possesses; and to forget that it can only act within a sphere determined by certain conditions, and is endowed with legal omnipotence in no other sense, than that its powers have no legal limit. If the practical province of a State, in matters involving truth, had been considered with greater attention—if facts, and not ideas, had been consulted, it would not have been invested with a character which is unsuited to it, and been loaded with so many moral obligations to which it is not properly subject.

that it has only the care of the body and bodily goods, and might almost seem to imply that all physicians are more peculiarly statesmen.' Warburton, however, probably never meant to teach that the mind, considered with reference to its *temporal* and *secular* relations, was not within the legitimate province of the State.

Warburton's doctrine is borrowed from Locke, who, in his *Letters on Toleration*, lays it down, that a commonwealth is instituted for civil interests, and that its care does not extend to the salvation of souls.—*Works*, vol. VI. pp. 10 and 120. Compare pp. 211–18, where he answers the objection that the State comprehends spiritual ends. Locke here resorts to his favourite resource of a fiction, by which the ends of the State are limited.

The error of those politicians who exaggerate and misapprehend the powers of a government over the people may be compared, as to its results, with the error of those speculators who, in the middle ages, exaggerated their command over external nature. While the alchemists, the astrologers, and the practisers of occult sciences, undertook to transmute metals, to cure all diseases, to reanimate the dead, and to predict the course of the weather and the fates of men and empires, they overlooked, while engaged in the pursuit of these unattainable objects, the discovery of such processes of nature as lie within the reach of our faculties, and can be made available for our service. So political theorisers and statesmen, who, from an ignorance of the true limits to the practical powers of a government, extend its action beyond its proper province, not only waste its resources in vain efforts, but withdraw its effective powers from the subjects to which they are properly applicable, and thus diminish its efficiency in its own field.

The aversion to the neutrality of the State in controverted questions of religion—the belief that it is bound to assume a religious character, and to promote religious truth, may perhaps be founded on the assumption, that the State ought to use its powers for furthering all the good ends to which its powers are applicable, whether its attempt is likely to be successful or not.[1] The promotion of religious truth is a good end; the State is capable of applying its powers to the promotion of that end; therefore, if it neglects so to apply them, it is guilty of a sinful omission, and of practical unbelief. Such is the simple argument on which many minds seem to rely; but if they will extend the same mode of reasoning to *other* subjects, they will soon be startled by the consequences to which it will lead them, and will thus be brought to doubt of the soundness of their premises. If we only leave out of our calculation the probability of success, and require the State

[1] Speaking of the speculators on a perfect or ideal pattern of civil government, Warburton says: 'The end of government coming first under consideration, and the general practice of society seeming to declare this end to be only, (what, in truth, it is,) *security to our temporal liberty and property;* the simplicity of it displeased, and the plan appeared defective. They imagined that, by enlarging the bottom, they should ennoble the structure, and therefore formed a romantic project of making civil society serve for all the good purposes it was even accidentally capable of producing. And thus, instead of giving us a true picture of government, they jumbled together all sorts of societies into one, and confounded the religious, the literary, the mercantile, the convivial, with the civil.'—*Alliance of Church and State*, b. I. ch. 3.

The speculators to whom Warburton alludes were, however, right in supposing, that the State *potentially* includes all these objects.

to undertake the promotion of *all* objects which are intrinsically good, whether they be attainable by it or not, we shall soon find it engaged in a multiplicity of impracticable pursuits, which might fill an academy of Laputa with envy. The State, like subordinate societies, and like individuals, is dispensed from the pursuit of unattainable goods. There is no moral obligation which binds a ruler to make an attempt, where success cannot reasonably be expected. A forlorn hope may be sometimes necessary in war; but it forms no part of the functions of a State, in the ordinary administration of its affairs.

Writers who dwell on the religious functions of the State—who (like Dr. Arnold) almost identify the State and the Church, and merge the one in the other, are considered on that account as friends to religion; while those who take a different view of the province of the State, are treated as hostile to religion and the Church. But all experience shows that, where this intimate union of the Church and State exists, instead of the Church spiritualising the State, the State secularises the Church. Where the political and ecclesiastical powers are exercised by the same hands, the former are sure to prevail over the latter. Practically, the religious theory of government will end in perfect Hobbism; and therefore no enlightened friend to religion will seek to confound the province of the State with that of the Church,[1] or to confer upon the State spiritual, and upon the Church political, functions.

§ 12. Having arrived at the conclusion, that it is not the province of the State to diffuse religious truth and to discourage religious error, we need not dwell at equal length upon its duty in diffusing truth and discouraging error as to matters other than religion. Even those who have attached the greatest importance to the enforcement of religious truth by the State, have not, in general, thought that it was the office of the State to diffuse truth on secular matters. It has rarely been maintained that, in questions of science, history, literature, art, &c., it is incumbent on the State to establish a standard of sound opinions, and to use its power for the purpose of maintaining and diffusing the truth.[2]

[1] 'Articles of faith, as well as all other spiritual matters, it is evident enough, are not within the proper department of a temporal sovereign, who, though he may be very well qualified for protecting, is seldom supposed to be so for instructing the people.'—SMITH, *Wealth of Nations*, b. V. ch. 1, art. 3.

[2] The Ptolemaic system of the world was taught till a few years ago in the university of Salamanca; but the prohibition of the Newtonian system was doubtless made on *religious* grounds—in the same manner that the Jesuit editors of Newton's *Principia*

By founding universities, and other places of education; by endowing professorships and lectureships; by creating literary academies; by patronising literature and science, and by assisting public instruction, it has, indeed, contributed powerfully to the diffusion of opinions on many important subjects; but it has left, in general, to the several professors and teachers the liberty of forming their own judgment as to the opinions which they would inculcate, and has not sought to induce them to make the matter of their teaching square with a prescribed standard.

Without going the length of saying, that a government ought to be wholly indifferent to the character of the opinions diffused under its superintendence—without adopting the maxim, *Si populus vult decipi, decipiatur*—we may affirm that, after it has taken effectual means for encouraging the diffusion of knowledge, and for promoting the selection of fit teachers, it ought to exercise extreme reserve in regulating the opinions of the persons so employed. And we may here add that, if the State ought not to prescribe the opinions of endowed teachers of scientific, literary, and historical branches of knowledge—in most of which there are recognised standards, and a generally admitted authority—still less ought it to take a decisive part in religious questions, as to which there is no common authority generally received and respected by all the Christian sects.

It is by scientific and literary endowments, in connection with universities, places of learning, academies, observatories, botanical gardens, museums, public libraries, and similar institutions, that the best provision can be made for those men of science and letters, whose pursuits are not of such a nature as to afford them the means of a decent and permanent subsistence.[1] Poets, writers of

found it necessary to declare that, in illustrating the propositions relative to the heliocentric theory, they treated it as a mere hypothesis, and they professed, with a grave irony, their submission to the decrees of the church against the motion of the earth: 'Cæterum latis a summis Pontificibus contra telluris motum decretis nos obsequi profitemur.' The works of Galileo and Copernicus were inserted in the index of prohibited books; and to this day the Ptolemaic system is the official doctrine of the Church of Rome.

[1] Lord Bacon, *Adv. of Learning*, vol. II. p. 94, speaks 'of the defect which is in public lectures; namely, in the smallness and meanness of the salary or reward which, in most places, is assigned unto them; whether they be lectures of arts or professions. For it is necessary to the progression of sciences that readers [*i.e.* lecturers] be of the most able and sufficient men; as those which are ordained for generating and propagating of sciences, and not for transitory use. This cannot be, except their condition and endowment be such as may content the ablest man to appropriate his whole

fiction, and others, who can amuse and delight the public, may derive a profit from their literary works; those, again, who digest and arrange existing knowledge for the instruction of their readers, may obtain considerable pecuniary rewards for their labours, in the present state of civilisation; but those who originate new ideas, who explore the untrodden, and cultivate the waste tracts of science, cannot expect to reap any profit from their exertions. Unless they possess the means of independent support, the best maintenance for them is a literary endowment, of the sort just described; professors, too, in a place of learning, who are remunerated for the lectures which they give, can study a subject in order to teach it, and devote their spare time to the composition of books.[1] Why teachers should not be rewarded for their services, I can see no valid reason; the objection of Socrates to the paid teaching of the Sophists of his time seems to have been partly founded in his opinion, that their lessons were valueless, and partly in the Greek prejudice against illiberal arts.[2]

As has been just remarked, the State may, as with respect to religious instruction, interfere for the support and patronage of the *secular* instruction of the young, so as to give currency to certain opinions on subjects unconnected with religion.

Aristotle,[3] apparently, approves of the Lacedæmonian system, according to which all free children, after a certain age, were taken out of the care of their parents, and placed under the discipline of the State. This system, however, had almost exclusively a military object.[4] Though carried, for a long time, into

labour, and continue his whole age, in that function and attendance; and therefore must have a proportion answerable to that mediocrity or competency of advancement which may be expected from a profession, or the practice of a profession.'

[1] Mr. John Mill, in his *Principles of Political Economy*, vol. I. p. 468, throws out a doubt whether there is not 'something radically amiss in the idea of authorship as a profession; and whether any social arrangement, under which the teachers of mankind consist of persons giving out doctrines for bread, is suited to be, or can possibly be, a permanent thing.' Compare Comte, *Cours de Phil. Pos.* tom. VI. p. 466.

[2] Adam Smith was led, by the abuses of universities in his time, and by their lazy and unimproving spirit, to underrate the advantages of literary endowments, in promoting the cultivation of those branches of knowledge which are not *useful*, (in the vulgar sense of the word,)—that is, which do not yield an immediate return to the learner, by fitting him for a gainful occupation, (*Wealth of Nations*, b. V. ch. 1, art. 2). He admits, however, the advantage of an endowment for the instruction of the poor.

See, with respect to this subject, the instructive work of Dr. Chalmers, *On Endowments*. The recent history of the German universities sufficiently proves, that literary endowments do not necessarily lead to the abuses adverted to by Adam Smith.

[3] *Eth. Nic.* X. 10; *Pol.* VIII. 1.

[4] Aristot. *Pol.* VII. 2. Compare c. 14.

effect by the singularly rigid spirit of that little commonwealth, it was too extensive an interference with parental authority and natural affection for imitation, even by the most military republics of antiquity, such as the Romans; and, in modern times, no such entire substitution of the political for domestic control over children is likely to be seriously entertained.

The chief patronage which the State, in modern times, gives to instruction, is by appointing and endowing teachers, of different sorts and degrees, from universities and colleges, down to elementary schools for the poor.[1] This assistance is afforded on the assumption, that some public contribution is requisite for enabling the parents to instruct and train their children in their respective callings and walks of life; and that the State has an interest in the proper education, moral and intellectual, of its members.

Aids afforded from the public purse, for the establishment and maintenance of astronomical observatories and botanical gardens; for scientific voyages and travels; for the formation of museums of natural history and antiquities, of public libraries, and of collections of works of art; for the publication of expensive books; for the encouragement of literature; and for the support or remuneration of persons connected with these several institutions or purposes, fall under the same general head. Public expenditure of this sort is intended to afford to the cultivators of sound knowledge and learning facilities which they could not derive, in an equal degree, either from their own means or from private patronage.[2]

§ 13. In every case, however, in which the government interferes to assist and encourage science and learning, or to diffuse secular knowledge, it ought to avoid predetermining any set of opinions to be adopted by the teacher, or other object of its patronage. It ought to abstain from stereotyping any modes or formulas of thought; from imposing any test, or requiring an

[1] The cases in which the State *maintains* as well as *teaches* the scholar, and therefore stands to him *in loco parentis*, are those in which a child is destitute, through the death or desertion of his parents. The assumption of the parental authority by the State, in these cases, is not sought, but forced upon it.

[2] The establishment of the observatories of Paris and Greenwich, in 1667 and 1675, 'may be considered (says Dr. Whewell) to be a kind of public recognition of the astronomy of observation, as an object on which it was the advantage and the duty of nations to bestow their wealth.'—*Phil. of Ind. Sci.*, vol. II. p. 432. See also his account of public observatories, of patronage of astronomy by governments, and of astronomical expeditions made at the public expense, in his *History of the Inductive Sciences*, b. VII. c. 6, §§ 2, 4, and 5.

adhesion to any party or section, scientific, literary, or historical. The persons who may be thus assisted by the State, ought merely to receive facilities for prosecuting an independent and unprejudiced search after truth, but ought not to be expected to work up to a prescribed conclusion.

The influence of a government, as an authority in matters of opinion and practice, is greatly enhanced by its confining itself to its legitimate province, and not attempting to pronounce on questions which it is not competent to decide. A court of justice, which was highly esteemed for its judgments on questions of law, would render itself ridiculous, and shake its authority, even within its own sphere, if it attempted to determine questions of science or literature. If a government should suborn, as it were, its endowed teachers, by inducing them to take its own opinion, and not truth, as their standard, it would impair their influence with the public, and at the same time diminish its own authority upon questions, as to which its judgment would otherwise be respected and valued.

§ 14. For a government, although it cannot regulate opinion as it can fix the rates of the public taxes, the forms of judicial procedure, or the scale of legal punishments, can yet exercise a considerable influence upon its movements and direction. Without undertaking to pronounce definitively a precise judgment upon disputed questions of speculation, or to enforce that judgment by its legal and coercive powers, a government possesses a moral authority, by which it can stamp a character of public approbation upon certain acts and certain opinions. It is placed on a high and conspicuous eminence; its voice will be heard far and wide; many people will incline to imitate its tendencies; and its judgments, on subjects upon which it is competent to judge, will not fail to produce a powerful impression on the public.

A government, considered as a source of authority, furnishes a model, or pattern, and does not act by compulsory and imperative laws. Its subjects fashion their actions, by a voluntary and self-imposed imitation, according to the type which it places before them—like the pupils copying a model in a school of design. They are not coerced into uniformity by the voice of command, like soldiers at drill.

In absolute monarchies, the personal influence of the monarch, or of his court, in establishing a standard of manners and morals, as well as of taste, and in determining the aim and course of per-

sonal ambition in the numerous aspirers to honour and public employment, has often been most extensive. In constitutional monarchies, and other free governments, the ruling power is more divided, and its influence less concentrated; but, even here, its moral weight, in determining public opinion and conduct, is not inconsiderable.

Bad examples set by rulers are almost invariably followed, to a greater or less extent, by their subjects. And, on the other hand, a good moral influence, in respect either of conduct or opinion, on the part of a government, can scarcely fail to produce a beneficial effect.[1]

Indirectly, in the way of example and patronage, by the remuneration of merit and the distribution of honours, a government, and persons in eminent stations, can do much to countenance sound opinions, to establish a correct standard of conduct, and to

[1] πόλις γὰρ ἐστὶ πᾶσα τῶ ' ἡγουμένων,
στρατός τε σύμπας· οἱ δ' ἀκοσμοῦντες βροτῶν
διδασκάλων λόγοισι γίγνονται κακοί.
(SOPH. *Phil.* 386–8.)

Cicero particularly dwells on the moral effect produced by the example of the chief persons in the State: 'Nec enim tantum mali est peccare principes (quamquam est magnum hoc per se ipsum malum) quantum illud, quod permulti imitatores principum existunt. Nam licet videre, si velis replicare memoriam temporum, qualescumque summi civitatis viri fuerint, talem civitatem fuisse: quæcunque mutatio morum in principibus extiterit, eandem in populo secutam. . . . . Pauci, atque admodum pauci, honore et gloriâ amplificati, vel corrumpere mores civitatis, vel corrigere possunt.'—*De Leg.* III. 14. Claudian applies the same sentiment to the imperial period:—

Componitur orbis
Regis ad exemplum; nec sic inflectere sensus
Humanos edicta valent, ut vita regentis.
Mobile mutatur semper cum principe vulgus.
(*De IV. Cons. Honor.* 299–302.)

Machiavel repeats these views, with examples derived from more recent times: 'Non si dolghino i principi d'alcun peccato che facciano i popoli ch'egli abbiano in governo, perchè tali peccati conviene che naschino o per sua negligenza, o per esser egli macchiato di simili errori. E chi discorrerà i popoli che ne' nostri tempi sono stati tenuti pieni di ruberie e di simili peccati, vedrà che sarà al tutto nato da quelli che li governavano, che erano di simile natura. La Romagna innanzi che in quella fussero spenti da Papa Alessandro VI. quelli signori che la comandavano, era un esempio d'ogni scelleratissima vita, perchè quivi si vedeva per ogni leggiera cagione seguire uccisioni e rapine grandissime. Il che nasceva dalla tristizia di que' Principi, non dalla natura trista de li uomini, come loro dicevano.'—*Disc.* III. 29, where the following verses of Lorenzo dei Medici are also quoted:—

'E quel che fa il Signor fanno poi molti,
Che nel Signor son tutti li occhi volti.'

encourage persons of genuine merit. But a government has little *direct* power of influencing opinion, except by preventing the free expression of thought, and by thus producing an intellectual stagnation, such as prevails in Spain, and, to a certain extent, even in Italy. No government of a civilised country, for example, could now, either by punishment or reward, by persecution or endowment, restore a general belief in the Ptolemaic system of the world, or in judicial astrology, within its dominions. Adam Smith remarks, that the most richly endowed universities have been the slowest in adopting improvements in the different branches of philosophy, and have been the most prone to retain exploded errors in their course of education.[1] Even if this statement were true, it would not prove that the endowment produced the effect of giving currency and authority to antiquated errors and obsolete systems. The probability is that the endowment, thus misapplied, would be merely wasted; and that the doctrines taught would gain little or no acceptance among the public, if it was known that they were rejected by the competent scientific judges, and that they were still maintained by the university merely through the influence of its endowed chairs.

§ 15. A government may likewise countenance sound opinions by upholding institutions which imply those opinions, and are founded upon them. A criminal law in which the definitions of crimes, and the gradations of their punishments, are derived from correct principles respecting the grounds of moral imputation and the measure of moral guilt, tends powerfully to establish a good ethical standard in the minds of the community. The same may be said of the civil law: its definitions of contracts, rights of property, fraud, &c., tend to fix and enlighten men's ideas as to honesty and good faith in their mutual dealings. The theory of the criminal and civil law, and its application in practice, when governed by sound principles, thus contribute materially to the establishment of a good code of morals for the public. In like manner, the observance of good faith by the government, in its relations with foreign countries, tends to accredit sound maxims of international law, and to inculcate their observance upon other nations. Every good system of municipal laws, faithfully administered—every steady observance of sound rules of international law—tends to

[1] *Wealth of Nations*, b. V. ch. 1, art. 2. On this subject, so far as regards the English universities, see the remarks of Dr. Whewell, *Hist. of the Ind. Sciences*, b. VII. c. 3, § 2.

create a real, not an ideal, model of government, which serves for the imitation of other nations and future times.[1]

On the other hand, a government, by adopting erroneous opinions as the basis of its legislation, may not only give them the currency arising from its countenance, but also that strength which arises from the existence of vested interests. This is particularly perceptible with regard to the economical principles, which are involved in legislation upon commerce, navigation, taxation, public charity, &c.

§ 16. But although (as we remarked above) it has not been thought the duty of the State to take an active and impulsive part in propagating the truth upon secular subjects, it has not been held that the State could with propriety be equally passive with respect to the permission of error. The censorship of the press was, from the first invention of printing, exercised by all the European governments for preventing the circulation of dangerous and unsound opinions. As has been already stated, it was employed, in the first instance, and principally, for the repression of *religious* error; but it has also been used for the prohibition of writings upon philosophical, political, and historical subjects. It was thought, at one time, that the government rendered itself responsible for the errors which it permitted to be propagated through the press; and that one of its duties was to protect the public against the diffusion of false opinions by means of books, as it was its duty to adopt measures for preventing the diffusion of pestilential diseases, or the passing of false coins.[2] There is no

[1] Adam Smith adverts to the good moral influence exercised upon the character of the Romans, by the excellent constitution of their judicatories: 'The superiority of character in the Romans over that of the Greeks, so much remarked by Polybius, and Dionysius of Halicarnassus, was probably more owing to the better constitution of their courts of justice, than to any of the circumstances to which those writers ascribe it.'—*Wealth of Nations*, b. V. c. 1, art. 2. See Polyb. VI. 56. The influence of laws upon the morals and usages of a people is considered by Matter, in his treatise *De l'Influence des Mœurs sur les Lois, et de l'Influence des Lois sur les Mœurs.* (Paris, 1832.) Part III.

[2] On the censorship of books, see Hoffmann's Treatise; and Beckmann, *Hist. of Inv.* vol. III. p. 93, art. *Book Censors.* In p. 98, a passage is quoted from a letter of Hermolaus Barbarus, written in 1480, in which he expresses an opinion favourable to the adoption of Plato's recommendation in his Laws, that no person should publish anything without previous examination and permission of persons appointed by the government. The present multitude of inferior books, he says, causes good authors to be neglected: 'Et quod calamitosissimum est, *periti juxta imperitique* de studiis impune ac promiscue judicant.' The passage of Plato refers to poets exclusively, but supposes a regular censorship.—*Leg.* VII. p. 801.

doubt that this office was undertaken by the European governments with a sincere desire of purging the productions of the press from all peccant matter, and of performing a preliminary work of selection, by authorising useful and suppressing pernicious books. But, as in the case of religion, experience has proved that the State cannot advantageously discharge the office of a censor of public discussion in matters of a secular character, and that society makes more progress towards the discovery and recognition of truth when it is unassisted by the well-meant, though ill-directed, efforts of a government censorship of the press. At present, it is only in the Italian States and Austria that philosophical and historical discussion is regulated by the censorship. In Prussia and the other German States, in which a censorship of the press has, until lately, subsisted, its practical exercise has been limited to the current political discussion of the day; and it has, in fact, been used by the government only as a means of suppressing unfavourable criticism upon their own acts and policy. It was to this purpose that the censorship of the press was turned by Napoleon, who, however, did not content himself with suppressing all adverse criticism, but retained in the pay of the government all the writers whose articles were permitted to appear in the newspapers. By thus poisoning all the channels of information at their source, he rendered the periodical press the mere engine of his despotism; and all securities for truth of statement, and fairness or completeness of discussion, were thus, during his ascendancy, suspended in France.[1]

If the State be fitted at all for establishing a standard of opinion, there is no function which it can so properly assume as that of authorising printed works, or prohibiting their publication.[2]

In discussing the question of the prohibition of books at the Council of Trent, one of the members observed, that there had been already too many books printed since the invention of printing; and that it was better to prohibit a thousand books which did not deserve it, than to permit one which deserved to be prohibited.—SARPI, l. VI. c. 5, (t. II. p. 139, ed. Courayer).

[1] For an account of the measures of Napoleon for regulating and managing the press, see Madame de Staël, *Consid. sur la Révol. Française*, Part IV. ch. 4 and 16.

[2] 'He [the king of Brobdignag] laughed at my odd kind of arithmetic, as he was pleased to call it, in reckoning the numbers of our people by a computation drawn from the several sects among us in religion and politics. He said he knew no reason why those who entertain opinions prejudicial to the public should be obliged to change, or should not be obliged to conceal them. And as it was tyranny in any government to require the first, so it was weakness not to enforce the second; for a man may be allowed to keep poisons in his closet, but not to vend them about for cordials.'—SWIFT.

A similar image is employed in the Bull of Leo X. against the abuses of the press,

If it is ever to make itself the promoter of truth and the discourager of error, no less objectionable instrument than a censorship of the press can be devised. The practical abandonment of this system in all countries under a free government, and the general discredit into which it has fallen over the civilised world, afford a strong ground for thinking that the State is incapable of discharging the duty of a censor of opinion with success—that the accumulation of experience is adverse to the system, and that there is a radical defect in the theory which extends the dominion of the State over the regions of speculative truth.

§ 17. Not only may the State, by its patronage, assist in promoting the diffusion of sound knowledge, both in the upper and lower strata of society; but it may also authenticate certain persons, as possessing a competent amount of skill for the practice of a profession or calling.

Thus it may, by proper examinations, ascertain the qualifications of candidates to practise medicine or law; and upon those who come up to the prescribed mark of fitness, it may confer diplomas, or other authorities to practise. A similar process may be applied to schoolmasters and teachers of youth, to masters of merchant-vessels, and others who have difficult and important functions to perform. The granting of diplomas by universities, or other learned bodies, proceeds on the supposition, that the public require some assistance to their judgment in the choice of professional services, and that such an official scrutiny into the qualifications of practitioners is a useful security against the imposture or incompetency of mere pretenders to skill. For the practice of medicine in particular, a public authentication, by a board of competent and disinterested examiners, cannot fail to be an important safeguard against imposture, inasmuch as the public are scarcely able to form an unassisted judgment as to the qualifications of medical men.[1] Such degrees or diplomas, however, do not of themselves import more than an authentication by duly appointed public officers; they are like a public seal or stamp

issued in the year 1515: 'Nos itaque (the Pope says), ne id, quod in Dei gloriam et fidei argumentum ac bonarum artium propagationem salubriter est inventum, in contrarium convertatur, ac Christi fidelium saluti detrimentum pariat, super librorum impressione curam nostram habendam fore duximus, *ne de cætero cum bonis seminibus spinæ coalescant, vel medicinis venena intermisceantur*.'—HOFFMANN, *ubi sup.* p. 47.

[1] See the remarks of Dr. Cullen upon the value of medical degrees, in answer to Adam Smith, cited in note XX. to Mr. M'Culloch's edition of the *Wealth of Nations*, p. 587.

affixed to goods for the purpose of attesting their genuineness, or like the mark impressed on the coin of the State, in order to serve as a public guarantee of its weight and fineness. Hence, they are not necessarily licences to practise, and do not imply any exclusive right. In this country, for example, any quack doctor may legally practise medicine: the diplomas of the public bodies which preside over the medical profession merely serve as guides to the public in the choice of their medical advisers.

M. Dunoyer, in his work *On the Liberty of Labour*, maintains, not only that medical diplomas ought to confer no exclusive right of practising medicine, but that they serve merely as screens for incapacity, and substitutes for real knowledge, and ought therefore to be discontinued altogether.[1] But although the examinations and licences of artisans, and the exclusive rights of members of guilds, have been rightly abolished by modern nations, it does not follow that a public authentication of medical practitioners is either mischievous or superfluous. People in general can, by proper means, form a judgment as to the products of the useful arts without the assistance of the government:[2] the appointment of public weighers and measurers, the stamping and marking of goods before sale, and other legislative interferences between the buyer and seller, intended to prevent fraud, and to insure the quality of goods, are indeed, (except in such cases as those of coin and plate,) productive of more harm than benefit. But where intellectual fitness is concerned, the public may have less facility for guarding against imposture; and they may be aided in the selection of their medical advisers by the certificate of a board of competent examiners, who have ascertained the qualifications of the practitioner, and given them a solemn and authentic attestation.

§ 18. II. With respect to the influence exercised by the heads of a church, or religious community, over opinion in religious and ecclesiastical matters, we refer generally to the remarks in Chapter IV.

As has been there shown, no merely human authority is recognised by all the Christian churches. The authority of the heads and doctors of each church is confined to the members of their own communion, and does not pervade all Christendom. Each church or section of Christianity possesses its own authorities.

[1] *De la Liberté du Travail*, tom. III. p. 47–55.

[2] See above, p. 88.

Thus, the Church of Rome appeals to some of the Greek fathers, as Origen, Athanasius, and Chrysostom—and to the Latin fathers, as Lactantius, Ambrose, Jerome, and Augustine—to the leading schoolmen, as Thomas Aquinas and Peter Lombard, and to some later theologians, as Bellarmine. For the Lutheran Church, Luther; for the Swiss or Reformed Church, Calvin and Zwingli are the main guides. The Church of England considers as its chief luminaries those divines who have excelled among its own clergy —as Hooker, Ussher, Hall, Jeremy Taylor, Pearson, Bull, Burnet, Butler, Waterland, &c. Among the Protestant Dissenters of England, Baxter, Wesley, Whitefield, and other leaders of later date, are the chief guides of doctrine. Each of these teachers has, however, a jurisdiction which is limited to the members of his own confession, and which other churches either wholly repudiate, or recognise only with large qualifications and restrictions. If they are quoted by writers of a different religious creed, it is principally in their character of recognised leaders and representatives of their own churches, and for purposes of controversy and refutation. Thus, a member of the Church of England, or any other Protestant church, would deny any decisive authority to a passage from Thomas Aquinas or Bellarmine; and a polemical writer of the Church of Rome would probably think that he had made a large concession, in admitting that any Protestant divine was even a Christian. The Church of Rome, which formally prohibits the reading of all heretical books, places the writings of the Reformers in the *Index Librorum Prohibitorum.* Every Roman Catholic who reads a book included in this list, incurs the penalty of excommunication *latæ sententiæ.*[1] The Protestant churches, in like manner, discourage the reading of heterodox and erroneous writings; but they have never gone the length of publishing an Index of condemned books.[2]

§ 19. An important influence is exercised by the heads of a church, or by certain members of it invested with a delegated power, in ascertaining the fitness of candidates for the Christian ministry or priesthood, and in stamping them with the public character of the sacred profession. The character conferred by the process of ordination is, in some churches, indelible by law, and in

[1] See Sarpi, VI. 5. Excommunication *latæ sententiæ* is the same as what, in our law books, is called excommunication *ipso facto*; *i.e.*, excommunication following immediately upon the offence, without the sentence of a court.

[2] See Palmer, *On the Church*, Part IV. c. 17.

nearly all by custom. It is accompanied, moreover, with a renunciation of many secular pursuits; and, in the Church of Rome, the obligation of celibacy is likewise imposed upon ordained priests. The importance of the selection thus made mainly depends on the judicious exercise of the discretion confided to the ordaining parties, and on the qualifications which it guarantees. Whether the ordination is further sanctified by an uninterrupted succession from the Apostles, is a question upon which theologians and churches differ, and which does not belong to the present inquiry. In episcopal churches, the ordination is effected by the bishops—in presbyterian churches, by the presbyteries—and in other Protestant churches by boards, sometimes mixed, of ministers and laymen. Thus, Cromwell established a board of commissioners called Triers, whose business it was to examine candidates for ecclesiastical benefices, and to admit them, if deemed worthy of approbation.[1]

§ 20. III. We have next to consider the influence of Voluntary Associations for political, scientific, literary, and other purposes, in the diffusion and authentication of opinions.

Both in England and the United States, it has been for some years (as has been before observed)[2] the practice to form voluntary associations for certain political objects. Such associations have generally an internal organisation—arrangements as to meetings, order of proceedings, committees, and the like, together with officers and funds of their own. Sometimes they are concerned in the party questions of the day, and seek to influence the government and legislature by appealing to and agitating public opinion against some existing law. At other times, their object is to procure the introduction of some philanthropic measure—as for abolishing slavery or the slave-trade, for improving education or health, for diffusing knowledge, for promoting public order and morality. Voluntary associations of this sort bring together persons who are interested in the pursuit of a common end; they tend to create and foster, by the mutual communication and emulation of their members, a body of enlightened opinion and accurate information on the given subject; and thus, independently of the arguments which they may lay before the public, they promote the formation of a centre of authority on the matter, which is likely to exercise an influence in various directions. It is

[1] See Neal's *Hist. of the Puritans*, vol. II. pp. 624-9.

[2] Above, p. 182.

probable, indeed, that the active members of such an association may be prompted to the pursuit of their object by a zeal not sufficiently tempered with discretion, and that they may overrate the importance and utility of the end at which they aim; still, with these deductions, the honest conviction of the leaders of such a body will scarcely fail to exercise an influence on some portion of the public.

This effect is particularly perceptible in societies formed for scientific and literary purposes, whose proceedings are of a more tranquil and less controversial character than those of political or semi-political associations. The earliest of the learned societies is the Museum founded at Alexandria, in the third century before Christ, by Ptolemy Philadelphus, which was assisted by a public endowment, and encouraged by the royal patronage. Societies for the cultivation of literature, science, and the fine arts were, however, first established on an extensive scale in modern Italy. The Italian Academies, which began even in the fifteenth century, directed their attention to every department of the field of knowledge—from mathematics and physics to painting and music—and from them the learned societies afterwards established in the other European States, such as the Académie Française and the Académie Royale des Sciences, the Society of Antiquaries and the Royal Society, the Berlin Academy, &c., were imitated. Some of the most important of these societies obtain pecuniary assistance from the government; but their number has, during the last century, been greatly multiplied by voluntary efforts, and their utility has been increased by the direction of their efforts to limited and definite subjects.[1]

Bodies of this sort concentrate a large mass of skilled opinion upon the subject to which their combination refers, and their corporate judgment accordingly carries with it a deserved authority among the public. For example, the Reports of the French Académie des Sciences upon new works and discoveries belonging to the department of physics, have obtained great weight in the scientific world. Dictionaries of the Italian, Spanish, and French languages have been published by academies—the Academia della Crusca, the Royal Academy of Madrid, and the Académie Française;

[1] Full details respecting literary and scientific societies may be found in the *Penny Cyclopædia*, Arts. *Academy* and *Societies*, and in the *Conversationslexikon*, Arts. *Akademie* and *Kunstschulen*. Compare Hallam, *Lit. of Europe*, vol. I. p. 654; vol. II p. 502; vol. IV. pp. 89, 560–3. Bethune's *Life of Galileo*, c. 9.

it being thought that the combined opinion of such a body would give authority to their exposition of the usage and signification of words. For a similar reason, treatises or collections of papers published or circulated by learned societies, derive an additional weight from the patronage under which they appear, and the authentication which they thus obtain. The scientific congresses, which have grown up in Europe since the Peace, differ from the former societies with like objects, principally in having a more cosmopolitan character, and being independent of national divisions; by which means the consent of their members, when they agree, is calculated to inspire greater confidence, as being free from all suspicion of local prejudice or partiality.[1]

Academies for the cultivation of the arts of design have, undoubtedly, contributed to promote that end, though they have been accused of a tendency to confine and pervert the natural taste and genius of the young artist. Academies of painting may, it is true, give authority and currency to a certain style and manner, which, by frequent repetition, and by the imitation of successive disciples, may degenerate into a sort of mechanical and insipid ideal, wanting the freshness, variety, and truth of nature. Such an effect of academic teaching is not, however, necessary; and it must be considered an accidental abuse of the system, which might be prevented by a proper method of instruction—not a vice inherent in academies.[2]

§ 21. The influence exercised upon opinion by universities and places of learning may be referred to the same head: these are bodies containing studious and learned men, competent to pronounce a judgment on the subjects which form a part of the academical course of reading and instruction; and, by their collection in one place, concentrating a mass of light on these subjects. Every such body ought to be a luminous point, diffusing its rays in all directions to the rest of the com-

[1] As to scientific societies, and their influence upon opinion, see the remarks of Dr. Whewell, *Hist. of Ind. Sciences*, b. VII. c. 6, § 3; and as to their beneficial effects, Laplace, cited by Weld, *Hist. of Royal Society*, vol. I. p. 27. With respect to the scientific congresses, compare the observations of M. Comte, *Cours de Phi. Pos.* tom. VI. p. 478.

[2] See the remarks of Mr. Payne Knight, upon the cramping influence of academies of painting, and the mannerism which they tend to generate.—*Principles of Taste*, Part II. c. 2, §§ 116–19. He admits, however, that if 'academical science and precision can be united with feeling and sentiment, there is no doubt that the result would be a degree of perfection hitherto unknown to the art.'

munity.[1] The efficiency of universities and other learned bodies may be assisted and promoted by a public endowment, and by the countenance of the government, in the manner which has been already illustrated.

§ 22. Political parties likewise are, properly speaking, voluntary associations for the promotion of certain opinions. This end they attain by their organisation, numbers, and activity, and by the ability, zeal, and character of their leaders. On the means by which they exercise a moral authority, some remarks have been made in a former chapter, in reference to the working of a political body; and we shall have occasion to revert to the subject, in treating of the abuses to which that influence is liable.[2]

§ 23. IV. We have, lastly, to consider the influence of the Periodical Press, through its various organs, so far as it affects the belief and convictions of the public by the weight of its authority.

The extensive circulation of periodical publications is a phenomenon of comparatively recent date. The general diffusion of literary journals was prior, in point of time, to that of political newspapers; but neither reached a considerable height until a long time after the invention of printing. A censorship of the press was, as we have seen, an institution universally established throughout Europe soon after the introduction of printing; and wherever a censorship of the press exists, political newspapers are restrained within narrow limits. A government, exercising a censorship over the press, may permit considerable freedom of discussion upon religion, philosophy, and the history of past ages; but with regard to the events of the day, and its own acts, its enforcement of silence is in general inexorable. In England, the censorship of the press was substantially maintained until the reign of William III., and therefore it was not until after this period that political newspapers could assume any importance. A

[1] 'It may perhaps be worth while to remark, that if we except the poets, a few orators, and a few historians, the far greater part of the other eminent men of letters, both of Greece and Rome, appear to have been either public or private teachers—generally either of philosophy or of rhetoric.'—*Wealth of Nations*, b. V. ch. 1, art. 3, near the end. This remark of Adam Smith's is more applicable to the Greeks than to the Romans. Dr. Chalmers also observes, that much more than half the distinguished authors of Scotland have been professors, (*On Endowments*, p. 48.) Respecting the English universities, and the readiness with which they have adopted new opinions in science, see Whewell, *ut sup.* b. VII. c. 3, § 2.

[2] Above, ch. 8, § 3; below, ch. 10, § 7.

great variety of flying sheets of news were, indeed, issued during the Civil War;[1] but Milton in vain attempted to persuade the Long Parliament to abolish the licensing of books.

Newspapers appear to have had the same origin in all the countries of Europe. They were at first mere manuscript collections of intelligence respecting the events of the day,[2] which were compiled for the use of readers; and either passed from hand to hand, or were exhibited in an office, where public notices and advertisements were sometimes also received and registered.[3] In England, these manuscript papers were called *news-letters*; and, after the institution of posts, copies of them were often sent into the country, like other letters. By degrees, these *news-letters* began to be circulated in print—at first at irregular intervals, then weekly, and at last daily; but, till after the middle of the last century, they were confined to the statement of a few articles of news, of general interest, and such as could be obtained without much expense, or the maintenance of an extensive correspondence or staff of reporters.[4] The names of newspapers (as *News-letter*, *Diurnal*, *Journal*, *Giornale*, *Mercury*, *Courant*, *Courier*, *Public Intelligencer*, *Intelligenz-blatt*, *Postreiter*, *Relation*, *Correspondent*, *Zeitung*) allude to their character as vehicles of intelligence concerning the passing events of the day—such as might be sent privately by correspondents through the post, or by a messenger.[5] Some periodical essays of a political character, as the *Examiner*, *Freeholder*, *Craftsman*, &c., were, indeed, published in England as early as the reign of Queen Anne, and even earlier;[6] and a bill to restrain the licentiousness of the press was ordered to be brought into the House of Commons on the 2nd of

[1] See Chalmers' *Life of Ruddiman*, pp. 102–24, and App. 6; Disraeli's *Curiosities of Literature*, p. 55 (ed. 10); Johnson's *Life of Addison*, vol. VII. p. 429. On the meaning of *news*, see above, p. 97.

[2] Called at Venice *notizie scritte*, where they were first circulated, about the year 1563. The German *Relationen* were first published in the same century, in the form of letters. The earliest known authentic newspaper printed in England is of the date 1619. See Knight's *Political Dictionary*, art. *Newspapers*.

[3] See Beckmann, *Hist. of Inventions*, vol. II. p. 481, ed. 8vo, (art. *Papers for conveying Intelligence*.) Upon the combination of advertisements with newspapers, see the *Idler*, No. 40, (Jan. 20, 1759.)

[4] Upon the *news-letters*, see Macaulay's *History of England*, vol. I. pp. 388–91.

[5] Newspapers were sometimes printed so as to resemble manuscripts—*Tatler*, No. 178 (1710); or a blank page was left on which a letter could be written.—KNIGHT'S *Pol. Dict. ubi sup.*

[6] For this class of Essayists, see the account in Chalmers' *Preface to the Guardian.—British Essayists*, vol. XVI. pp. xxvi.–xlvi.

June, 1712, having for its main object the prevention of anonymous publications,[1] which was doubtless directed against writings of this class. But the importance of the daily newspapers, as vehicles of political discussion and as organs of political party, in addition to their function of registers of news, dates in this country from about the close of the American war.[2] On the Continent, none of the political journals contained more than a mere statement of news before the era of the French Revolution. The *Allgemeine Zeitung*, the first newspaper of Germany which added original discussion to reports of events, was established in 1798. Even, however, in England, where the licensing of publications had been abolished for a century, the intellectual character of the newspaper press was at a low ebb at the outbreak of the revolutionary war; and it is principally since the Peace that the standard of its writers has been raised. From that time, it has been progressively rising, and, for several years past, all the current political questions have been discussed in the daily and weekly papers with great ability, research, and intelligence. During the same period, its character as a vehicle of information has also been much improved. Not only domestic news, but full and accurate reports of important public proceedings, and accounts of contemporary events in all the countries of the world, furnished by competent correspondents together with criticisms of newly-published books, works of art, &c., are to be found in a well-conducted modern newspaper.

§ 24. The extraordinary cheapness of the newspaper, in proportion to the cost of its contents,[3] the regularity as well as celerity of its publication, its circulation gratuitously, or at low rates of postage, through the Post-office, and the variety and interest of its information, and of its comments on passing events, cause it to be

[1] 6 *Parl. Hist.* 1141.

[2] With respect to English newspapers, considered as mere vehicles of intelligence, see the remarks of Johnson in the *Idler*, No. 7, 27 May, 1758. He there says—'All foreigners remark that the knowledge of the common people of England is greater than that of any other vulgar. This superiority we undoubtedly owe to the rivulets of intelligence which are continually trickling among us, which every one may catch, and of which every one partakes.' As to the news-writers in Queen Anne's time, see *Tatler*, No. 18, (by Addison.) On the avidity for news, *Spectator*, No. 452, (1712.) Compare No. 457. See also *Connoisseur*, No. 45, (1754.)

[3] The profit derived from the advertisements in a newspaper lowers its price to the public, and improves its quality. If there were no advertisements, the price of a newspaper of equal quality with the present must be greatly increased, and probably no such newspaper could be published.

diffused widely, and to be read by a large part of the public; to whom it not only furnishes the materials out of which their opinions on the questions of the day are chiefly formed, but often suggests the opinions themselves.

A newspaper affords every day the intelligence which each person wants, without the interruption of a visitor or messenger—and suggests opinions on political and other subjects, without the formality or apparent presumption of a personal adviser. It is a daily supply of information and discussion, of which everybody can take as much or as little as he pleases, and at the times most convenient to himself, without being guilty of any slight or breach of propriety.

In every civilised country, therefore, in which the newspaper press is not strictly coerced by the government, it exercises a great influence upon the opinions of the community at large, in different directions and by different means; partly by supplying facts as the groundwork of opinions, partly by argumentative discussion, and partly by its mere authority.

§ 25. Now, in looking on the newspaper press as one of the principal guides of public opinion, and as an authoritative source of practical convictions to a large part of the community, the most prominent characteristic which strikes the observer is, that it is *anonymous*—that all the writers officially connected with a newspaper are unknown to the reader, and strictly maintain their incognito. This is certainly the general character of the newspaper press in all countries. The editorial articles are always anonymous in form, and generally anonymous in fact; though, in some cases, their authorship may be disclosed in private, or may be ascertained upon inquiry.

§ 26. The anonymous character of the newspaper press is so important and distinctive a feature, and is so closely connected with the nature of its influence as an authoritative guide to opinion, that it is necessary to inquire what are the motives and causes, and what the operation of this system.[1]

It may be said, in general, that the author of a writing is desirous that his authorship should be known. If the composition contains nothing of which he is ashamed, there is no reason why he should not avow his own production. He probably thinks that the publicity of the fact will contribute to his reputation. There

[1] Compare the remarks upon anonymous testimony above, ch. III. § 2.

must, therefore, be some cogent reason for the universal and studious concealment of authorship practised by newspaper writers.

This reason is to be found in the facilities which it affords for the free expression of opinion on contemporary transactions. A newspaper writer undertakes the invidious office of a public censor. He cites before his tribunal kings, potentates, statesmen, churchmen, demagogues, officers of the government, members of political bodies, and men in every variety of relation in which they play any public part, however exalted or however humble. The high are formidable by their influence and station—the low, by their numbers and powers of union. Having no powerful party or connections to support him in undertaking a conflict, in which the superiority of strength is so much against him, it is necessary that he should, by self-concealment, avoid the retaliation which he is sure to provoke. Being unequally matched against so great a preponderance of force, he is compelled to fight in ambush in order to gain the victory. He throws down his gauntlet in the lists, and challenges all the world to the combat; but before he enters the field, he is forced to lower his vizor.

Writers in newspapers resemble the guests at a masquerade, who, by disguising their faces, are able to comment with freedom, and without fear of consequences, upon the errors or foibles of their neighbours. They are, as it were, disembodied voices, admonishing people of their faults or omissions—like 'the airy tongues that syllable men's names,' which, in times of alarm and superstition, have been heard to give warning of public danger. In this respect Junius, the *magni nominis umbra*, the mysterious monitor and castigator of men in high stations, who was never identified with any living person, is the prototype of the newspaper press.

The anonymousness of newspaper writing rests on the same ground as the vote by ballot for electoral purposes—viz., the protection against intimidation or undue influence which, in either case, the secrecy affords. Both in writing upon public events, and in giving a vote at a public election, secrecy is 'vindex tacitæ libertatis.' Unless the writer concealed his name, he would in many cases be exposed to personal quarrels and threats, and, in still more, to personal solicitations and remonstrances, if he wrote with freedom. If, on the other hand, he avowed his authorship, he would find it necessary, or at least prudent, to suppress

unpleasant truths, to spare certain individuals, to avoid giving offence to the powerful, and, in short, to make the same sacrifices to personal feeling and interest, as are made by those who discuss openly the conduct and character of their contemporaries. That this would be the case is proved by the practice, not only of editors and the regular paid contributors to newspapers, but also of most of their casual correspondents, who write under assumed names. If the descendants of every celebrated person of a former age thought it their duty to defend their ancestor's memory, and to fasten a quarrel upon a historian who censured him without reserve, it would be necessary for historians of the past to conceal their names, not less than the contemporary chroniclers who write in newspapers. Bayle, who wrote at a time when it was dangerous for a man to discuss philosophical and religious subjects with freedom, resorted to various devices of false dates and fictitious prefaces, in order to divert suspicion and to conceal his authorship.

As an example of the dangerous hostility which a free-spoken newspaper writer may excite, the case of Junius may be cited. Sir William Draper, when attacked with severity by Junius, called upon him to drop his anonymous character, and to decide the quarrel by arms. Junius declined this challenge, saying in reply, that 'it was by no means necessary that he should be exposed to the resentment of the worst and the most powerful men in this country;' and 'that while Sir William Draper would fight, there were others who would assassinate.'—(*Letter* 25.)[1]

Hence, a person attacked by a newspaper is in the same position as a knight in a tale of chivalry, who finds himself, through the arts of an enchanter, assailed by the blows of an invisible hand, which he feels without being able to perceive their author. Under cover of their concealment, these writers can pass everywhere unimpeded: they can act as the privileged spies of the public, without being subject to the danger of being hanged, if caught within the enemy's lines. They have the same defence of obscurity which the goddess is described as conferring on Æneas and his companions, in order to enable them to enter the walls of Carthage with safety, and to scrutinize its inhabitants without being stopped or challenged by the guards.

[1] On Junius's concealment, see Johnson *on the Falkland Islands*, vol. VI. p. 204.

> At Venus obscuro gradientes aëre sæpsit,
> Et multo nebulæ circum dea fudit amictu;
> Cernere ne quis eos neu quis contingere posset,
> Molirive moram aut veniendi poscere causas.

The newspaper press, so far as it is an organ of *opinion*, is a political and moral censorship, assumed voluntarily, and exercised by concealed agents. Its operations may be considered as those of a modern Vehmic tribunal, adapted to a civilised state of society. It works by secret instruments, and its sentences are carried into effect with almost resistless force, but by unseen and unknown hands. In a certain sense, the public stands to the newspaper press in the same relation as that in which the government stood to the informers at Venice: it opens a lion's mouth, into which all public accusations can be thrown, without the disclosure of the complainant's name.

The concealment of authorship by newspaper writers exempts them from many of the feelings which disturb the judgment of rival politicians, contending in the open arena of public life. For example, being withdrawn from public notice, they are free from personal vanity or rivalry, and from all love of distinction; they cannot be actuated by a desire of display, or of personal triumph —by the love of power for its sordid advantages—or by a spirit of interested faction. It is only so far as they are connected with, or set in motion by, the leaders or followers of political parties, that newspaper writers can be influenced by these motives.

That there must be strong reasons of expediency in favour of a practice so generally adopted, so firmly maintained, and so peaceably acquiesced in, cannot be doubted. On the other hand, it is an unquestionable evil that the public mind should, with respect to the events and public characters of the day, be guided to a great extent by persons who, writing in studied concealment, are exempt from the check of personal responsibility, and can gratify private resentment, private friendship, or any other private feeling, good or bad, at the expense of the public interest, or of the reputation and peace of individuals, without the prospect of moral accountability to any human tribunal—and even in the event of the conviction of the publisher for libel, with no fear of individual exposure.[1]

[1] Some strong remarks on the evils arising from the anonymousness of the newspaper press, may be seen in Lord Brougham's *Pol. Phil.* vol. II. p. 41; vol. III. pp.

The concealment of authorship likewise encourages, or permits, the adoption of a censorious tone of assumed superiority, of disinterested regard for the public welfare, and of championship of the nation against the acts of the government, which would perhaps not be consistent with the writer's true position and character if he were known to his readers. In many cases, probably, the assumed is as unlike the real character of the writer, as the character of the tragedy-hero to that of the actor who represents him.

It might be thought that, as the original articles in newspapers are all anonymous, they would pass merely for the intrinsic value of the facts and arguments which they contain, and that they would be devoid of any extrinsic and adventitious authority. Such, however, is not the fact; newspapers are not like single anonymous placards, issuing from an unascertained source. In some cases, indeed, the authority of a newspaper may even greatly exceed that of a statement or argument supported by the author's name. A newspaper, it is to be observed, by its continuous publication at the same office, and under the same title,[1] and by a unity of management under the same proprietary, acquires a species of individual character, similar to that of a corporation, or club, or regiment, or mercantile partnership, or other voluntary association, kept in existence by the perpetual succession and renewal of its members. It is, like them, a *persona moralis*; and although its writers do not appear before the public in their personal identity, and in many cases, doubtless, are unknown to one another, yet they all depend on a common centre; they are selected and remunerated by a common employer; their several movements are regulated by a common mind, and according to a uniform plan. In this manner, a newspaper can acquire a corporate character for accuracy and extent of intelligence, for correctness of statement, and even for soundness of judgment and strength of reasoning—which character is com-

122, 177. Compare also some observations on the same subject, in the collection of essays entitled '*Friends in Council*,' p. 163.

[1] Any title or other mark by which a newspaper or other vendible article is distinguished, is recognised by our law as the subject of property, and a court of equity will restrain all unauthorised persons from pirating it. Johnson, in his *Life of Addison*, speaking of the newspapers published in England during the civil war, states, that 'when any title grew popular, it was stolen by the antagonist, who, by this stratagem, conveyed his notions to those who would not have received him, had he not worn the appearance of a friend.'—*Works*, vol. VII. p. 429. The same fraud continued to be practised in the next century: see Addison's *Freeholder*, No. 55.

posite—the general result of its management; and it is formed from the aggregate writings of its contributors, but is distinct from that of any one of them.

Now, by taking advantage of this corporate character, but at the same time sheltering himself under the cover of anonymous authorship, the official newspaper writer secures the protection of secrecy, while he writes, nevertheless, with a considerable weight of authority. He obtains all the adventitious strength which may be derived from the character, connections, and influence of the newspaper, considered as a moral entity; while he escapes from all personal responsibility, and is not known by, or accountable to, any one but his own employer.

Another important incident of the corporate character of a newspaper, and of its continuous existence, is, that it may be the organ of a certain political party or interest, and may thus come to be regarded as the authentic representative of their views. In this way, again, it may acquire an authority extrinsic to the mere anonymous effect of the arguments or opinions which it circulates.

From the relation in which newspapers stand to the public—being dependent on their sale for their very existence[1]—it is natural that they should seek to render their opinions acceptable to a large number of purchasers, and thus they often follow, as well as lead, public opinion. Even in these cases, however, they contribute to give it a more clearly marked form, and to turn it into a more definite course; and their authority with their readers is enhanced, rather than diminished, by a dextrous adaptation of their suggestions and censures to pre-existing opinions or sentiments.

We see, therefore, that by its continuity of character, by becoming a party organ, and by sometimes following as well as leading public opinion, a newspaper obtains a considerable authority, independent of the force of its reasoning, and that this authority is directed by writers who, being anonymous, are exempt from all sense of personal responsibility.

Such is the reverse of the picture which we have contemplated above. Such are the principal evils incidental to the anonymous authorship of newspapers.

The system itself, however, rests, as we have seen, on a solid

[1] It is true that the *advertisements* form a large part of the profits of a modern English newspaper, but the number of advertisements depends chiefly on the extent of the circulation.

basis of expediency. The public has a paramount interest in the free expression of opinion upon passing events, and in the free censure of the public acts of contemporaries; and, without anonymous writing, this freedom cannot practically exist. Besides, any attempt to compel the true writers to disclose their names would be futile.[1] The law can only compel some responsible party to undertake the paternity of a newspaper article; but it cannot make the paternity a question of fact. It can do nothing for creating a moral and personal responsibility in the real writers. It cannot get beyond the registered editor and the publisher. By these means, the author escapes, while the newsvendor suffers—reversing the proverbial fate of the great and little:

> Low skulks the hind beneath the rage of power,
> And leaves the wealthy traitor in the Tower.

The conclusion at which we arrive is, that however liable to abuse the anonymous authorship of newspapers may be, the practice is necessary, in order to secure the most important purpose of a newspaper, and therefore ought to be acquiesced in, even if it could be easily prevented by law, which is not the case. The proper object, therefore, to be aimed at is, to provide securities against the abuses of the system, and to obtain its advantages with as little admixture of evil as practicable—to extract all the honey, and to neutralise some of the poison.

One important protection against the abuses of this anonymous writing is derived from the vigilant watch which the several newspapers are led, by the spirit of competition, to keep up on one another. The rivalry of trade prevents them from combining for any common purpose; and the censure which they cast on each other is at least as severe and unsparing as that which they direct against any member of the public.

This mutual rivalry of newspapers affords to the public many securities against the abuses, to which the absence of personal responsibility in the writers would otherwise give rise. The private feelings and interests of one writer are not shared by others; and as the newspapers do not make common cause, both sides of a question can obtain a hearing through their columns. What one newspaper attacks, another defends; what one asserts,

[1] As was stated above, page 234, an attempt was made in Queen Anne's reign to compel anonymous writers to disclose their names; but the bill introduced into parliament for this purpose was dropped.

another contradicts: there is argument against argument, declamation against declamation, ridicule against ridicule, invective against invective. All misstatements of fact, all misrepresentations and exaggerations, may be exposed; all sophisms may be refuted; by this rude but effectual process of pleading, the question at issue is fully discussed, even if the truth is not at last worked out; and the sentence of the *judicium populare* is given after hearing the arguments of all parties. Hence, the competition existing between the various newspapers raises their character, by rendering them careful in their statements and reasonings. Being constantly watched by rivals, who are not likely to treat their failings with tenderness, they seek to make their performances come up to their professions, and to furnish the accurate information and enlightened opinions which they undertake to propagate. If, for example, any newspaper were to falsify a document which it reprinted, in order to support a particular view of a political question, it would infallibly be exposed by other newspapers; and its circulation would probably be diminished, by the want of confidence in the accuracy and honesty of its information which such conduct would create among the public. The deliberate falsifications, as well as suppressions of truth, in which the *Moniteur* indulged under Napoleon's direction, could not have been attempted with a free press. The certainty of detection, as well as the disclosure of the truth from other sources, would have given to the public an effectual security against such a system of fraudulent misrepresentation, intended to mislead the people with respect to matters in which they were deeply interested. In this manner, the mutual censorship of the newspapers—a censorship not less rigid than that which they exercise over the community at large—increases their fitness to serve as guides of opinion, and raises their authority with the public, both as reporters of facts, and as judges of public affairs.

It may be added, that the same newspaper, by inserting communications and documents on opposite sides of a question, and by reporting public discussions in which speakers of different opinions take a part, contributes to furnish materials for a fair judgment, and to neutralise the effect of a too exclusive advocacy. A newspaper thus often supplies both bane and antidote—'Una manus vobis vulnus opemque feret.'

It is only in countries governed by popular institutions, that the newspaper press is free; and in these countries, although the

conduct of public men is constantly open to anonymous censure in the newspapers, they have an opportunity, in parliamentary and other legally-constituted assemblies, of explaining and justifying their own acts and opinions; and as these statements are made by persons in a conspicuous and recognised station, and subject to the completest personal reponsibility, they outweigh, in authority, the remarks of antagonists who maintain their anonymous position, and do not come forward as accusers. When the accused appears in person, to defend himself against the charges of an unavowed accuser, he enjoys, at least, the advantage of a position of superior credibility and authority. Although he cannot retaliate upon unknown assailants, he has at least the command of the most effectual means of self-defence. Ultimately, therefore, the balance between an unacknowledged attack and an acknowledged defence may be fairly struck.

Another preventive of the ill effects resulting from the anonymous authorship of newspapers is to be derived from remembering, that they are merely the organs of the proprietors, and are written by persons whom the latter employ—and that they are not invested with a *representative* character. Without this caution, the abstract 'we' of a newspaper—in this context, an impersonal pronoun of unknown reference—is likely to impose upon an unreflecting reader; and, at all events, the concealment of the writer's name may, upon the principle of *omne ignotum pro mirifico*, create an impression of some mysterious agency—an effect of secrecy similar to that which induced Walter Scott to conceal the authorship of his novels. Above all, a newspaper ought never to be considered as the exponent of national opinion, nor, without decisive evidence, as the accredited organ of a government. Unless this caution be observed, the indiscretion of a single editor—writing without any due sense of personal responsibility—might, if his volunteer assumption of the representative character were recognised abroad, give deadly offence to foreign nations, and render his own government accountable for his opinions.

The general results of the above remarks on newspapers may be summed up thus:—1, That, in spite of their anonymous authorship, newspapers acquire an extensive influence over opinion, by the authority derived from their corporate character; 2, That the anonymous authorship places the public under the direction of guides who have no sense of personal responsibility;

but, 3, That this evil must be endured for the sake of insuring a free censure of passing events; and that our main efforts should be aimed at the establishment of the best practicable securities against the incidental abuses of the concealment of authorship.[1]

§ 27. With regard to *Reviews* and *Magazines*, the other important branch of the periodical press, the same observations as to their continuous character may be made as in the case of newspapers. They consist of a set of original critiques and essays, on literary, scientific, historical, political, and other subjects, which are written by contributors selected and employed by an editor, and are published at stated periods under his directions. The editor is in general unknown to the public; but the previous management of the Review, and the character which it has thus acquired, afford a reasonable ground for expecting, that the selection of the papers for future numbers will be made on similar principles, and with equal discrimination.

The early political journals, as we have already seen, contained mere announcements of news, without comment or discussion. The literary journals, on the other hand, from their first establishment, aimed at higher objects. Being less exposed to the jealousy and suspicion of the government, they were allowed to pursue a more unimpeded career. The literary reviews and miscellanies, which began to appear at the end of the seventeenth and commencement of the eighteenth century, gave not only accounts of books, but judgments upon them. They entered into free and intelligent criticism of the most important subjects of speculation, and they bound all the States of Europe into a republic of letters, by circulating through it a knowledge of all important works, wherever published. By these means—in which they were materially assisted by the recent institution of government posts—they helped to counteract the narrow repulsive spirit of political, sectarian, and national divisions.[2]

Periodical publications of this class are often devoted to a special department of literature or science, or to some professional subject, such as divinity, law, medicine, the military art,

[1] The views of M. Comte, upon the influence of the newspaper press, may be seen in his *Cours de Phil. Pos.* tom. VI. p. 410.

[2] The *Journal des Savans* was established in 1665; Bayle's *Nouvelles de la République des Lettres*, in 1684; Leclerc's *Bibliothèque Universelle*, in 1686; the *Leipsic Acta Eruditorum*, in 1682; the *Gentleman's Magazine* and the *London Magazine* were not established till 1731 and 1732; the *Monthly Review*, in 1749. Upon the early reviews, see Hallam, *Lit. of Europe*, vol. IV. c. 7, §§ 24–7; Disraeli, *Curiosities of Lit.* p. 4.

agriculture, mathematics, &c. In this case, the periodical work has an authority, derived not only from its previous management, but also from its limitation to a definite department, and its possession of a professional character. There are likewise newspapers devoted to a special subject (as medicine or horticulture), but they are less numerous.

Articles in Reviews generally appear with the names of the authors, in France, Germany, and the other continental countries. In England and the United States, reviews are almost always anonymous; but the secrecy of authorship is not so strictly maintained as in newspapers. In either case, an article appearing in a Review, possesses whatever authority it may derive from the previous character of the periodical work in which it is published.[1]

A similar remark applies to the *Transactions* of learned societies. Such societies confer an authority upon the paper of a member or contributor, by selecting it for the honours of publication, and giving it to the world under their auspices.

All publications which appear successively in a connected Series involve the same principle: they imply a systematic and uniform management, and the deliberate selection of an editor or manager, whose endorsement gives a currency to each number. The celebrated collections of essays, which once had so large a circulation in this country—from the *Tatler* and *Spectator* to the *Rambler*, *Idler*, and *Connoisseur*—were founded on this principle.[2] There was unity of management, and the excellence of some numbers compensated for the inferiority of others, while the spirit of all was similar. The well-known series of theological tracts published by Mr. Newman and his friends, at Oxford, likewise derived a portion of their importance from the circumstance, that they were *all* the authentic exponents of the opinions of a certain school, vouched for by their admission into the collection.

[1] Speaking of Young's optical discoveries, promulgated in the early part of this century, Dr. Whewell says—'There was in England no visible body of men fitted by their knowledge and character to pronounce judgment on such a question, or to give the proper impulse and bias to public opinion. The Royal Society, for instance, had not for a long time, by custom or institution, possessed or aimed at such functions. The writers of "reviews" alone—self-constituted and secret tribunals—claimed this kind of authority.'—*Hist. of Ind. Sci.* vol. II. p. 431.

[2] Upon the origin of the class of periodical publications, known by the name of the *Essayists*, see the remarks of Johnson, in his *Life of Addison*, and Chalmers' *Preface* to his collection. The *Tatler* combined the *Essayist* and the *News-letter*.

It is from this principle that the collections of works published by societies (such as the Society for Promoting Christian Knowledge, the Society for the Diffusion of Useful Knowledge, and other similar associations) derive their importance.[1]

Encyclopædias, arranged in an alphabetical order, are an important class of publications, which have sprung up since the beginning of the eighteenth century, and have been formed in general by the contributions of numerous writers, each writing upon the subject with which he is best acquainted.[2] The authority of any such compilation is derived from a cause similar to that which gives authority to a periodical work—viz., the continuity of management, and the general discretion and consistency shown in the choice of writers and materials.

§ 28. It is scarcely needful to add, that those who assume to exercise the function of literary censors, through the periodical press, ought to exercise it with an honest and conscientious judgment, and that they ought not to abuse the privilege conferred by anonymous writing, for the purpose of unduly depressing or elevating a new work by unmerited praise or blame. Private friendship, private enmity, party feeling, literary jealousy, and the partialities of booksellers, however, frequently bias the judgment of critics. Even the sense of personal responsibility is no safeguard against the operation of such disturbing motives; as we know from too many examples in literary history. The influence of such motives is more to be feared in anonymous writing, and ought to be carefully guarded against by a judicious and candid editor. Judges of literature and science, although they do not, like those who exercise a criminal and civil jurisdiction, decide on the lives and fortunes of men—nevertheless, by their arguments and authority, influence the reputation of authors, and the fate of books and opinions, and thus affect the serious interests of society. Their function ought, therefore, to be discharged with a due sense of its importance; their sentences ought to be given with independence, and without favour and affection, but, at the same time, in a spirit of fairness and candour, and without jealousy, malice, or love of detraction.

The abuses of the system of literary puffing—a mischievous perversion of this power—having survived the well-known ridicule

[1] See *Conversationslexikon*, art. *Vereine zur verbreitung guter bücher.*

[2] For the history of encyclopædias, see Macvey Napier's *Introduction to the Encyclopædia Britannica*, ed. 6.

of Sheridan, have been argumentatively exposed by Mr. Macaulay, from whose able essay I borrow the following remarks (vol. I. p. 277):

'The opinion of the great body of the reading public is very materially influenced, even by the unsupported assertions of those who assume a right to criticise. Nor is the public altogether to blame on this account. Most, even of those who have really a great enjoyment in reading, are in the same state with respect to a book, in which a man, who has never given particular attention to the art of painting, is with respect to a picture. Every man who has the least sensibility or imagination derives a certain pleasure from pictures. Yet a man of the highest and finest intellect might, unless he had formed his taste by contemplating the best pictures, be easily persuaded by a knot of connoisseurs that the worst daub in Somerset House was a miracle of art. If he deserves to be laughed at, it is not for his ignorance of pictures, but for his ignorance of men. He knows that there is a delicacy of taste in painting which he does not possess; that he cannot distinguish hands, as practised judges distinguish them; that he is not familiar with the finest models; that he has never looked at them with close attention; and that, when the general effect of a piece has pleased him or displeased him, he has never troubled himself to ascertain why: when, therefore, people whom he thinks more competent to judge than himself, and of whose sincerity he entertains no doubt, assure him that a particular work is exquisitely beautiful, he takes it for granted that they must be in the right. He returns to the examination, resolved to find or imagine beauties; and if he can work himself up into something like admiration, he exults in his own proficiency.

'Just such is the manner in which nine readers out of ten judge of a book. They are ashamed to dislike what men, who speak as having authority, declare to be good. At present, however contemptible a poem or a novel may be, there is not the least difficulty in procuring favourable notices of it from all sorts of publications, daily, weekly, and monthly. In the meantime, little or nothing is said on the other side. The author and the publisher are interested in crying up the book. Nobody has any very strong interest in crying it down. Those who are best fitted to guide the public opinion think it beneath them to expose mere nonsense,

and comfort themselves by reflecting that such popularity cannot last.'

§ 29. We have now traced the principal centres from which opinions are diffused in the present state of society, and have endeavoured to show how far the guides of opinion are invested with authority, and whence this authority arises. We have also attempted to indicate the means by which that authority may be rendered more trustworthy, and what are the limits within which it can be properly trusted.

With respect to the influence of the government upon the opinions of the people, we have seen that one essential postulate for its wholesome operation is, that it should not outstep its proper province. A government may, as in the Oriental countries, keep down its subjects by mere force; it may, as has been done in some free States, conciliate support by corruption; but both these are short-lived expedients. The only stable foundation for a government is its *moral authority*. So long as it is looked up to with respect, confidence, and esteem, by the body of the people, it stands on a rock. Now, for a government to acquire a real moral authority, it must fulfil two (among other) conditions. It must do well those things which it is fitted to do; and it must abstain from attempting to do those things which it is not fitted to do. In general, a government violates both these rules. It attempts many things which it is ill-qualified, if not wholly unable, to perform; and having wasted its force upon distant impossibilities, it omits to discharge those functions which lie close within its reach. If, however, it keeps steadily within its proper province, and within that province exercises its powers with ability, discretion, and public spirit, it can scarcely fail to acquire weight and authority with the people, and will thus be able really to guide their opinions, so far as it is competent to guide them.

With respect to public instruction, (whether it be controlled by learned bodies, or churches, or voluntary associations,) the cardinal maxim is, that as all men cannot be judges of all things, the learner should be instructed in the conclusions and results at which the most eminent authorities in each department of knowledge have arrived, and should, as far as possible, be furnished with an instrument for testing the soundness of the method which each original inquirer may employ. To the application of this maxim there appears to be no limit. It may be extended from instruction

in logic, and the methods of scientific investigation, to the cautions against current delusions and other impostures which may be given to the children of a village school; from the rules for the selection of counsellors on state affairs and of professional advisers, to the marks by which even the working-classes might be taught to distinguish honest and well-intentioned guides, from persons who seek to make a profit by practising on their credulity.

The newspapers, and other publications of the periodical press, though they may be conducted by persons writing under an imperfect sense of responsibility, have nevertheless, both in this country and on the Continent, assumed a new character, and risen to a higher intellectual level, since the Peace of 1815. Independently of the opinions which they circulate, they furnish a large repertory of positive facts, authenticated by the endorsement of respectable publishing establishments; and they form a powerful counter-influence to the superstitious fancies and flying rumours which prevail in countries destitute of an accurate daily chronicle of contemporary events.

In attempting to find the means of giving currency to sound opinions, by the influence of a predominant authority, it is to be borne in mind, that there are certain classes of opinions which it is more important to diffuse among the community than others. In many cases, the knowledge of a subject may be confined to a few persons, and yet the public may derive as much benefit from it as if it were generally diffused. Provided that the knowledge is on record, and that it is not concealed from the public, it is immaterial that many persons should make themselves masters of the subject. It is to be wished that the knowledge should be accessible to all the world; but not that all the world should actually possess it. Thus, when we say that a court of justice is open to the public, we do not expect that all the public will demand admission. Most mechanical and other inventions connected with physical science, as well as remedies belonging to the practice of medicine, fall under this head. So long as the contrivance or work can be produced, and it is not one of the *artes deperditæ*; so long as the medical remedy or treatment is known; it can be obtained by purchase, or by the employment of a professional man, without any knowledge or understanding of its principles. Little advantage would arise if the whole community understood the art of manufacturing glass, or gunpowder, or of making watches. The diffusion of the practice of these arts would not tend to their perfection;

it would not cheapen their products, or extend their use; on the contrary, the diffusion of such practical knowledge would counteract the division of labour, by which production is facilitated and cheapened. So, when the knowledge of the Roman formulæ of actions, which had been kept secret by the patrician order, was divulged by the theft of the scribe Flavius, the public were benefited by the disclosure, though the number of persons who actually studied them was small. The knowledge of Sanscrit, likewise, was at one time preserved as an inviolable secret by the Brahmins; at last it was divulged; and the world has since obtained all the advantage which can be derived from a knowledge of Sanscrit, although the number of persons who have mastered the language has been very limited.

But if the subject be one on which each person is required to act for himself, and he cannot procure what he wants by exchange from others, then it is important that correct opinions in relation to it should be diffused through the community, and that all people should be able to guide their judgment in the matter by a reference to a trustworthy authority. This is the case with most of the opinions by which men steer their course, both in public and private life. In all cases where a man is called upon to act, or to decide, he ought to have such a store of those opinions which immediately preside over practice, as will enable him to direct his own course with safety; or, if he be not so provided, he ought to know how to chuse competent and honest guides.

If, by a judicious combination of the means above indicated, this end could be approximately attained, the influence of impostors would be diminished; violence would be more rarely resorted to, especially by crowds and organised bodies; the utility of a strict observance of law and order, for all classes, would be more generally recognised; the evidence of positive facts and the light of experience would be more uniformly consulted; reason would be more in the ascendant, and would constantly exercise a greater influence over a larger portion of the population; and discussion of all sorts would be at once more free, more tolerant, more intelligent, and more fruitful of results. As a consequence of these influences, public opinion would be more enlightened and wary, and less prone to run headlong after an ephemeral object of admiration or hatred. Its general character would be less puerile and more manly.

To whatever extent the changes which have been just indicated

may ever actually take place, it is certain that the movement of Western Europe, but especially of England, during the last thirty-five years, has been in a direction coincident with this progressive tendency. The movement may have been retarded, counteracted, and crossed by numerous influences, some intentional, some fortuitous; but such has been the constant inclination of its course, and such it may be expected to continue, perhaps with an accelerated velocity.

CHAPTER X.

ON THE ABUSES OF THE PRINCIPLE OF AUTHORITY.

§ 1. In previous parts of this Essay, an attempt has been made to trace out the proper province of authority in matters of opinion—to show what are the cases in which we ought to be guided by the opinion of others, as well as to give practical tests for selecting the persons who are most competent to act as guides, in questions both of speculation and practice, and for distinguishing them from impostors or pretenders to knowledge, who would only mislead their followers. If these indications are sufficient, they would operate as preservatives against *abuses* of the principle of authority; if the right use and application of the principle is secured, its perversion is avoided. Nevertheless, the evils arising from a misdirection of confiding followers, by persons exercising an influence over their opinion, are so great and numerous, that it may be useful to exemplify in detail some of the more prominent forms of the abuse in question.

§ 2. It has been already shown, that great respect is due to the opinions of persons who have devoted their lives to the study of sciences, have employed upon it the powers of an acute and vigorous intellect, and have been actuated by an honest desire of discovering and teaching the truth. This respect, however, should be the willing obedience of a freeman—not the blind submission of a slave: the teacher to whose authority we bow ought to be regarded rather as an adviser and counsellor, than as a dictator and master. There may be an excessive reverence for scientific doctrines handed down from a former age, and received among existing philosophers, which may check the due freedom of investigation, perpetuate error, prevent originality of thought and the discovery of new truths, and maintain science in a stationary and unimproving state. 'Although (says Lord Bacon) the position

be good, "oportet discentem credere," yet it must be coupled with this, "oportet edoctum judicare"—for disciples do owe unto masters only a temporary belief, and a suspension of their own judgment, until they be fully instructed—and not an absolute resignation, or perpetual captivity.'[1] Whatever deference is justly due to great names and competent judges, they are not to be regarded as infallible—as the oracles of a scientific religion—or as courts of philosophy without appeal. Those who come after the great discoverers of truth, and teachers of mankind, may, though endowed with inferior intellectual gifts, retread the same ground—they may verify what is correct, and reject what is erroneous or doubtful. They may remove subordinate defects, and complete parts which have been left imperfect, in systems which they could not have conceived. Although they could not have designed the plan, or laid out the foundations, they may assist in bringing the edifice to perfection.

The great and successful insurrection against the authority of a defective scientific system, was in the two centuries which succeeded the invention of printing—when the scholastic philosophy, founded chiefly upon the logical and metaphysical writings of Aristotle, and developed under the influence of the Church, was dethroned.[2] This revolution, although it had been prepared by a long series of minor insurgents, as well as by the positive researches of Galileo and Descartes, was mainly consummated by Bacon; and he may be considered as the type of this great intellectual movement. According to the poetical tribute of Cowley, Bacon was the main author of this triumph of Reason over Authority.

> Authority—which did a body boast,
> Though 'twas but air condensed, and stalk'd about,
> Like some old giant's more gigantic ghost,
> To terrify the learned rout—

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[1] *Adv. of Learning*, b. I. (vol. I. p. 45.) Compare Cicero, *De Nat. Deor.* I. 5: 'Quin etiam obest plerumque ijs qui discere volunt auctoritas eorum qui se docere profitentur. Desinunt enim suum judicium adhibere: id habent ratum quod ab eo quem probant, judicatum vident.' See also Sir T. Browne's *Vulgar Errors*, b. I. c. 6 & 7.

'Oportet in eâ re maxime, in quâ vitæ ratio versatur, sibi quemque confidere, suoque judicio ac propriis sensibus niti ad investigandam et perpendendam veritatem, quam credentem alienis erroribus decipi, tanquam ipsum rationis expertem.'—LACTANT. *Div. Inst.* II. p. 146; ed. Spark.

[2] See Whewell's *Philosophy of Inductive Sciences*, b. XII. c. 7. Compare a passage from the preface to the first vol. of the *Transactions of the Academy of Sciences at*

With the plain magic of true Reason's light,
He chased out of our sight;
Nor suffered living men to be misled
By the vain shadows of the dead:
To graves, from whence it rose, the conquered phantom fled.[1]

§ 3. When, however, we speak of the triumph of Reason over Authority, accomplished by the establishment of the Baconian inductive method in the place of the scholastic philosophy, and adopt the received language on this subject, we must be careful not to confound, under the name of submission to authority, two distinct intellectual defects.

A blind spirit of routine in philosophy, and a passive assent to existing dogmas, without verification, or a really independent scrutiny, is not identical with belief on the principle of authority. By Authority, we have in this Essay understood, in conformity with general usage, the influence which determines the belief without a comprehension of the proof.[2] But the scientific student, who servilely follows a beaten track, does not necessarily accept opinions upon the mere credit of his master, and without understanding the evidence on which they rest. He may, on the contrary, have gone through all the reasonings propounded by his guide—may have perused and reperused all his writings—have commented select portions of them—interpreted the obscure, and illustrated the concise passages—and reproduced his doctrines in compends and epitomes. He may be a slavish follower, but a slave both voluntarily and upon conviction.

Paris, quoted by Dr. Whewell, *ib.*, vol. II. p. 428; also Hallam, *Lit. of Europe*, vol. II. c. 3.

[1] Cowley's *Epistle to the Royal Society*. Compare Dryden's verses, in his *Epistle to Dr. Charleton*—

The longest tyranny that ever swayed
Was that wherein our ancestors betrayed
Their freeborn reason to the Stagirite,
And made his torch their universal light.
* * *
Among the assertors of free reason's claim
Our nation's not the least in worth or fame.
The world to Bacon does not only owe
Its present knowledge, but its future too.
Vol. XI. p. 114; ed. Scott.

[2] Thus, Cicero speaks of his belief being influenced, not merely by the arguments, but by the authority of great philosophers: 'Nec solum ratio ac disputatio impulit, ut ita crederem; sed nobilitas etiam summorum philosophorum et auctoritas.'—*De Senect.* c. 21.

Now the revolution in philosophy, which is represented by the name of Bacon, must be considered mainly as a change of scientific method, and the consequent substitution of a set of sound doctrines, of which the proof was understood, for a set of unsound doctrines, of which the proof was equally understood. The Arabian and scholastic philosophy, which had prevailed during the long stationary period after the extinction of Greek civilisation, was doubtless founded upon the writings of Aristotle; but the scientific writers of that period did not bow to the authority of Aristotle, without examining, understanding, and reproducing his reasons. They were, as Dr. Whewell has remarked,[1] distinguished by their commentatorial spirit—they translated the Aristotelian treatises, and illustrated them with elaborate expositions—they reduced the logical, physical, and metaphysical theories of their teacher into a connected system: but their assent was given to the argument, not to the conclusion without the proof. They repeated the Aristotelian philosophy as a system of deductive science, not as a series of axioms. In truth, the schoolmen adopted the physical tenets of Aristotle, as a modern astronomer adopts the *Principia* of Newton; they studied the system, understood the proofs, and assented to the conclusions.[2] Men such as Thomas Aquinas cannot be charged with a tame and sluggish acquiescence in conclusions, without troubling themselves to examine their connection with the premises. The error of the schoolmen, in fact, consisted in the adoption of a defective scientific method—in the uninquiring acceptance of first principles, false, indistinct, and unverified—and in reasoning deductively from propositions, whose truth had not been established by proper preliminary processes. They received the Aristotelic treatises as the sum of a perfect philosophical system, not as the provisional researches of a progressive science. This error is not identical with a servile deference to authority. The schoolman who drew all his lessons from Aristotle—the 'Maestro di color che sanno,' as he was called by Dante—might have believed nothing on the mere authority of the philosopher; unless those first principles, which he doubtless considered as intuitive truths, may be considered as derived from

[1] See his account of physical science during the stationary period of the middle ages, in his *Hist. of the Ind. Sci.* b. IV.

[2] 'Almost the whole career of the Greek schools of philosophy—of the schoolmen of Europe in the middle ages—of the Arabian and Indian philosophers, shows us that we may have extreme ingenuity and subtlety, invention and connection, demonstration and method; and yet that out of these germs no physical science may be developed.'—Whewell, *Hist. of Ind. Sci.* vol. I. p. 8.

this source. He mastered the philosophical system in vogue, and understood its logical connection; but it was built upon an unsound basis—and into the sufficiency of this basis, owing to the faultiness of his methods of investigation, he omitted to inquire. A modern student, who has access to the results of a better method, may exhibit equal want of originality of thought, and may merely repeat the deductions of his predecessors without verification or improvement; but if the conclusions are correct, he would not be censured for an undue submission to authority. On the one hand, then, a man who never adopts a speculative opinion without understanding its grounds may, from sectarian prejudice or some other cause, be infected with the intellectual slavishness of the scholastic or Arabian period, and may receive syllogisms as if they were the responses of an oracle. But, on the other hand, a man who is strongly imbued with the progressive principle of science—who verifies all results by a rigid scrutiny within a certain circle of subjects, may, with respect to other subjects, cherish the principle of authority, convinced that he has not time for all things.

§ 4. Bacon is very explicit and earnest in refuting the fallacy, which confounded a respect for opinions handed down from *antiquity*, with the respect due to the opinions of the *aged*.[1] At a time when a superstitious veneration for traditionary doctrines in philosophy still prevailed, there was a confusion between the age of a man and the age of the world; and it was supposed that, as an old man is more experienced, and therefore more able to judge, than a young man, so a remote generation, as being more ancient, is wiser than the existing one. Bacon exposed this somewhat obvious fallacy by the pithy sentence: 'Antiquitas sæculi juventus mundi'—justly remarking, that each generation is older than its predecessor, on the same principle that an aged man is older than a youth; and that the latest generation ought to be the wisest, as being furnished with the most ample stock of experiments and observations. The mistake arose from not perceiving

[1] See *Adv. of Learning*, vol. II. p. 46; *Nov. Org.* l. I. aph. 83. The remark had been previously made by Giordano Bruno. See Whewell's *Phil. of Ind. Sci.* vol. II. p. 361. Compare Hallam, *Lit. of Europe*, vol. IV. ch. 9, § 45. Pascal, *Pensées*, Part I. art. 1.

Lactantius complains that the heathen religions were maintained simply on account of their *antiquity*: 'Hæ sunt religiones, quas sibi a majoribus suis traditas, pertinacissimè tueri ac defendere perseverant: nec considerant quales sint, sed ex hoc probatas atque veras esse confidunt, quod eas veteres tradiderunt: tantaque est auctoritas vetustatis, ut inquirere in eam scelus esse dicatur.'—*Div. Inst.* II. p. 144. Compare above, p. 79.

that, in order to compare the age of the world with that of a man, we ought in each case to reckon *downwards*; according to which mode of calculation, the nineteenth century is older than the sixteenth, and the sixteenth than the eleventh.[1] Each successive generation enjoys the benefit of the experience and knowledge of its predecessors, together with its own; and if science be in a progressive state, the judgment of the most recent generation ought to be the maturest and best. It is by efforts which, being successive, require time; by the gradual rejection of errors, and discovery of new truths; by the combined attempts at forming and perfecting a technical vocabulary and a philosophical arrangement, that sciences are advanced. Hence Truth may, with Bacon, be called the daughter of Time rather than of Authority.[2] In an enlightened and progressive state of society, sound opinions gradually, in the long run, and in the majority of cases, prevail over error; for, if they were not thus predominant, society would cease to be progressive. Through the knowledge and skill of the steersman, they generally make at last a successful voyage down the great stream of time; while false theories, though they may at first be driven on by a favourable gale, are allowed soon to drift upon the quick-sands and breakers, and to be lost in oblivion.[3]

[1] The nature of this mistake may be illustrated by comparing two chronological eras—in one of which the years are reckoned backwards, in the other, forwards: for example, the years before and after the birth of Christ. We must not suppose that, because the year 150 A.D. is later than the year 100 A.D., therefore the year 150 B.C. is later than the year 100 B.C. In like manner, we must not suppose that, because a man of sixty was born before a man of twenty, therefore the sixteenth century is older than the eighteenth.

[2] Auctores vero quod attinet, summæ pusillanimitatis est, auctoribus infinita tribuere, auctori autem auctorum, atque adeo omnis auctoritatis, Tempori, jus suum denegare. Recte enim Veritas, Temporis filia dicitur, non Auctoritatis.—*Nov. Org.* lib. I. aph. 84.

[3] Lord Bacon expresses a different view on this point, which is scarcely consistent with his own dictum, as to Truth being the daughter of Time. 'Another error . . . . is a conceit that of former opinions or sects, after variety and examination, the best hath still prevailed, and suppressed the rest; . . . as if the multitude, or the wisest for the multitude's sake, were not ready to give passage rather to that which is popular and superficial, than to that which is substantial and profound; for the truth is, that *time seemeth to be of the nature of a river or stream, which carrieth down to us that which is light and blown up, and sinketh and drowneth that which is weighty and solid.*' —*Adv. of Learning*, vol. II. p. 47. Compare *Nov. Org.* l. I. aph. 77: 'Sed temporibus insequentibus [after Cicero], ex inundatione barbarorum in imperium Romanum, postquam doctrina humana velut naufragium perpessa esset, tum demum philosophiæ Aristotelis et Platonis, *tanquam tabulæ ex materiâ leviore et minus solidâ*, per fluctus temporum servatæ sunt.' It seems to me that, if this view were correct, all improvement of mankind, in successive ages, would be impossible.

§ 5. Whatever errors may arise from a blind and fanatical submission of the judgment to the opinions of leaders of sects and parties—a subject to which we shall advert more at length presently—there is no danger, in the present age, of philosophic truth being obstructed, and error perpetuated, by a generally prevailing superstitious veneration for traditionary theories and the authority of great names. An habitual freedom of thought exists throughout the scientific world; a system of discussion concerning matters of science—not conducted in a controversial and acrimonious spirit, but directed mainly to the legitimate ends of science—has been established.[1] Every philosophic question is now, after a time, fairly tried upon its merits. It is principally in the domain of civil government and positive law that men's minds are now practically divided and embarrassed, as to the amount of respect due to antiquity and prescriptive authority.

Now, with respect to political institutions and laws—if we look merely to their origin, the same remark holds good as with respect to philosophy. The generation which enacted a new law, or established a new institution, had no better means of judgment on the subject than ourselves; on the other hand, we have not only their knowledge, but the experience of subsequent years and of our own time, to guide us. To speak of the wisdom of our ancestors, as if they had some peculiar means of knowledge beyond ourselves, or were more likely to be right than the present generation, is a manifest fallacy. The generation who lived in the time of George I. were not wiser than those who lived in the time of George III.; nor were those who lived in the time of George III. wiser than the present generation.[2] All laws were new when they were first made; and when they were made, they were made by persons who were not wiser than succeeding generations, and had, as to that untried law, no special experience to guide them.

When we speak of an ancient institution, we may mean either one of two wholly distinct ideas. We may mean an institution no longer existing, which existed at a former period of history. In this sense, the Athenian ostracism, the Roman tribunate or dictatorship, the mayor of the palace under the Merovingian

[1] See Whewell's *Philosophy of Ind. Sciences*, b. XII. c. 4.

[2] 'Nec quia nos illi temporibus antecesserunt, sapientiâ quoque antecesserunt; quæ si omnibus æqualiter datur, occupari ab antecedentibus non potest,' says Lactantius, referring to the preceding generations, *Div. Inst.* II. p. 146.

kings, the podestà of the Italian republics, the Vehmic tribunals of Germany, Alfred's law of mutual pledge, or the liberum veto of the Polish Diet, is an ancient institution. According to this acceptation of the term, any institution which existed at an early date, however short its duration may have been, is an ancient institution. Or, we may mean an existing institution which dates back from a remote period, and has had a long continuous existence. In this sense, trial by jury in England is an ancient institution. Now, with respect to an ancient institution of the first of these two classes, its antiquity, as such, raises no presumption in its favour. The mere fact of an institution having existed at an early period, does not prove that it is suited to our present wants and circumstances. On the contrary, the desuetude of an ancient law may have arisen from the very fact of its unsuitability to the actual state of things.[1] But the other class of ancient institutions stand on a different footing. Having been long in existence, either with few or no intervals or suspensions, they have been tried by a long experience, and have, by a gradual and intelligent, though almost insensible process, been adapted to the interests, habits, and feelings of the community. Their good parts have been developed; their bad parts eliminated or counteracted; usage and custom have reconciled people to their defects, and rendered theoretical absurdities, which shock the philosophical bystander and speculative reasoner, comparatively innocuous. By the mutual action of the people on the government, and the government on the people, they have been worked into a form which is more or less suited to the state of society, and with which the community have become familiar. They have thus acquired a sort of prescriptive title to their possession, and they are often cherished by the people with a feeling of veneration and affection, of which the mere utility of the institution is the condition rather than the cause.

In the domain of science, an opinion on a subject lying beyond

[1] 'D'où vient que la loi ne plait pas également dans tous les temps, et qu'ainsi que la beauté, elle est sujette à vieillir? Quand le souverain l'établit, son intention est certainement qu'elle subsiste jusqu'à ce qu'il lui plaise de la révoquer; cependant, combien de lois n'avons-nous pas qui n'ont jamais été révoquées, et qui maintenant n'ont ni force ni vigueur. L'âge, *au lieu de les faire respecter*, semble au contraire les avoir rendues ridicules, au point qu'on n'ose pas même les citer, et encore moins les produire. . . . . Ainsi dès qu'une loi contrarie les mœurs actuelles, elle éprouve un choc auquel elle ne peut résister. Il semble que tous les esprits tombent d'accord pour ne la plus observer; le souverain lui-même se voit forcé de l'abandonner.'—MERLIN, *Répertoire de Jurisprudence*; art. *Autorité*, § 1.

the range of our experience, may be handed down, through a series of generations, with implicit faith, but without undergoing any process of examination or verification, and consequently without acquiring any confirmation of its truth. For example, the Greeks, in their Æsopian fables, represented the lion as the king of beasts, and gave him the royal attributes of clemency, mercy, and magnanimity. This belief having been propagated through antiquity, was received and repeated in the middle ages, among nations which knew the lion only from books; and it was not till late years that the observations of travellers and more accurate naturalists corrected the error, by showing that the lion is characterised by the ferocity, cowardice, and treachery, which are qualities common to all the feline tribe. An opinion such as this derives no authority from its antiquity, and its passive reception by successive generations. But no law or political institution can remain in force for a long series of years, without being subjected to the test of a severe and searching experience. It can only be enforced by intelligent agents acting upon sentient beings; and this process, when repeated on a large scale, for a long time, and in numerous cases, must produce a gradual adaptation to the state and feelings of the people. Those parts of the law which are felt as oppressive, or vexatious, or inconvenient, will be resisted, openly or passively, or counteracted, or evaded; the voluntary contracts and agreements between private persons, and the settlements of property, will be arranged with a view of defeating these provisions: while the officers of the government, from a desire either to do good, to avoid unpopularity, or to save trouble, will often allow such portions of the law to remain unenforced, or, if enforced for a time, to fall at last into disuse. In a case of this sort, the executive functionaries sometimes stand to the legislature in the same relations as the soldiers described by Tacitus stood to their generals, who preferred 'jussa ducum interpretari quam exsequi.'[1] On the other hand, full effect will be given to those enactments which are felt to be beneficial; and in the enforcement of these, the public functionary will be assisted by the spontaneous action of the community. Some discretion in the administration of laws must necessarily be intrusted to the executive authorities; and if this be exercised with wisdom, or even with ordinary judgment, it cannot fail to give to the new law a form as suitable to the wants of the people, and to the state of

[1] *Hist.* II. 39.

society, as the general directions of the legislature will permit.[1] If the legislature be well-intentioned and vigilant, it will second these attempts at voluntary adaptation; it will abrogate or amend those provisions which experience has shown to be bad; it will extend and develop those which have proved beneficial, and suitable to the wants of the people. Where the legislature is indifferent or unobservant, courts of justice, by forced interpretations, by fictions of law, and other jurisprudential contrivances, frequently modify institutions rendered obsolete by changes of manners, or introduce new regulations required by new circumstances. In countries, too, which have free constitutions, legislative measures are frequently, if not usually, the result of a compromise between opposite political parties—a mode of proceeding which, if not always defensible in strict argument, generally leads to an adjustment of conflicting claims, and the establishment of a medium state of things, favourable to tranquillity and stability. It is by a series of compromises of this sort that the *balance of powers* in a State is, in fact, maintained; though no such exact mechanical equilibrium of political forces can be provided by the forms of a constitution, as some speculators on politics have brought themselves to believe.

The celebrated apophthegm of Bacon—'Naturæ non imperatur nisi parendo'[2]—is to a certain extent true of political government. A people can only be governed by adapting the laws to its circumstances, wants, feelings, and wishes; and thus all ancient laws, having complied with this condition, may be presumed to be suited to the community.

The experimental and tentative process of adaptation just described will be the more effectual and complete, in proportion as the government is mild and enlightened, and the people are independent and intelligent; but it must go on, to a certain extent, even under the most rapacious and mutable Oriental despotism, and in the most passive and improvident community. Every

[1] 'When any gross absurdity has for any reason found its way into the frame of a government, there seems to be called forth a protective or prophylactic power in the system, analogous to that by which the natural body throws off any noxious or any extraneous matter introduced into it; and if mischief cannot be prevented, there is exerted another power like the vis medicatrix of the natural frame—a power of making some secondary provision, which may counteract the mischievous effects of the malconformation, and enable the machine to go on working, which otherwise must be stopped or destroyed.'—Lord Brougham, *Pol. Phil.* vol. II. p. 81.

[2] *Nov. Org.* I. aph. 129.

institution, therefore, which has been long in existence acquires a certain presumption in its favour, by the process of adaptation to which it is necessarily subjected. No new and untried law can, by possibility, possess this recommendation; and, to this extent, there is a certain authority in favour of all laws which have been in operation for a length of time, and have proved, on the whole, beneficial.[1] It is the observation of this process which has influenced the jurists of the historical school; who contend that all laws ought to spring from a historical basis of gradual development, and not come full-grown from the head of a legislator—who hold that there ought always, in legislation, to be a continued chain of connection between the past and the future, through the present. The same notion has been expressed, though in more obscure and metaphorical language, by those who have compared the gradual progress and development of political institutions with the growth of a tree. They have been struck by the process of adaptation which arises from the action of the people upon its laws and institutions, and they have therefore compared the gradual and coherent result of this action to the organism of vegetable growth. This quasi-organic creation they have contrasted with the formation of a government or an institution by a single act of legislation, which is produced *uno flatu*, as a metal statue is cast in a foundery.

A similar contrast has been pointed out between the legends of mythology and a romance or tale of fiction. The former, it is said, are developed by the spontaneous and unconscious action of the popular mind, and are the natural and undesigned offspring of a certain religious belief: the latter are the conscious inventions of a single mind, formed upon a preconceived plan, for a definite

[1] 'The world will not endure to hear that we are wiser than any have been which went before. In which consideration there is cause why we should be slow and unwilling to change, without very urgent necessity, the ancient ordinances, rites, and long-approved customs, of our venerable predecessors. The love of things ancient doth argue stayedness, but levity and want of experience maketh apt unto innovations. That which wisdom did first begin, and hath been with good men long continued, challengeth allowance of them that succeed, although it plead for itself nothing. That which is new, if it promise not much, doth fear condemnation before trial; till trial, no man doth acquit or trust it, what good soever it pretend and promise. So that in this kind there are few things known to be good, till such time as they grow to be ancient.'—Hooker, *Eccl. Pol.* V. 7, 3.

It may be observed that, in this passage, Hooker has not kept quite clear of the confusion between old times and old men. 'Our *venerable* predecessors' are, in fact, no more entitled to our veneration than our contemporaries, although they may have lived at an earlier period of the world's history.

purpose. But in the case, both of mythological legends, and of political institutions which have been formed by a gradual accretion, each step in the process is the result of intelligence, and is prompted by a distinctly-understood motive; though the end may be limited and immediate, and the person concerned may not contemplate the entire structure to which his work is a contribution.

It may be added, as a further element in the authority of ancient institutions, that if they are, on the whole, beneficial, and have been really adapted, by the hand of the legislator and administrator feeling its way as it advances, to the interests, circumstances, habits, and opinions of the generality, they have probably acquired a hold on the affections of the people; so that their maintenance is not a matter of mere calculation—of balance of individual gain and loss—but is exalted into a patriotic sentiment, which prompts the citizen to action in the moment of need without waiting to consider consequences.

§ 6. In the management of public affairs, every legislative proposition for the removal of admitted or alleged evils is in general placed between two opposite and extreme parties; which (if it were allowed to coin new words, in order to avoid circumlocution) might be designated as the *Panaceists* and the *Ruinists*: the former underrate the authority of existing institutions, and overrate the probable effects of new legislative projects —the latter fall into the opposite errors. The panaceist, disregarding the minute but numerous and powerful ties by which existing laws are attached to the habits and feelings of the people, proceeds to the enactment of extensive and systematic changes, founded probably on some one principle, which he introduces everywhere, and which he expects to prove a complete and immediate remedy for numerous political ills of the most discordant natures.[1] He does not see how much of the evil tendencies of existing institutions has been neutralised by the process above

[1] The following remarks of Lord Bacon upon panaceas for the human body, are equally applicable to panaceas for the State:—'It is a vain and flattering opinion to think any medicine can be so sovereign and happy, as that the receipt or use of it can work any great effect upon the body of man. It were a strange speech, which spoken, or spoken oft, should reclaim a man from a vice to which he were by nature subject. It is order, pursuit, sequence, and interchange of application, which is mighty in nature; which, although it require more exact knowledge in prescribing, and more exact obedience in observing, yet is recompensed with the magnitude of effects.'—*Adv. of Learning*, vol. II. p. 168.

described; to what extent they have been counteracted by the voluntary action of the community. He therefore exaggerates the amount of evil produced by the laws in force, and, by a cognate error, he exaggerates the advantages, which, in a sanguine delusion, he anticipates from his own legislative panacea. It is this error which has imposed upon so many well-meaning authors of paper-constitutions and organic laws, and has led to their disappointment and that of the credulous persons who confided in them. On the other hand, the politician of the opposite school entertains a blind veneration for ancient institutions, without perceiving that the changes of manners, opinions, social state, international relations, or mechanical inventions, necessitate corresponding changes in legislation. Hence, he sees nothing but ruin and destruction in measures of reformation prepared in a safe and prudent spirit; and confidently predicts the most disastrous consequences from alterations suggested by the great innovator—Time. He forgets how great, according to his own theory, is the power possessed by a community, of adapting institutions to its wants; he overlooks the fact, that the *vis conservatrix reipublicæ*, which has been employed in the digestion and assimilation of existing laws, will also operate upon laws to be made hereafter; and he argues on the assumption that every tendency in a new law will proceed, unchecked and unresisted, to its full and natural development—as if men would always be willing instruments in the execution of laws which would really produce such effects as he anticipates. An established law is judged by its actual operation, and therefore according to its administration by intelligent persons, exercising a reasonable discretion as to the enforcement of its provisions. But a proposed legislative measure is in general judged by all the possible absurd consequences to which it might lead, if enforced by persons destitute of prudence and foresight, or even of common sense. Hence it generally happens, that not one tithe of the disastrous consequences anticipated of a law before it is passed really occur when it is carried into effect. It is by optimists and pessimists of these opposite sorts—by persons who think their own plans the best possible, and by persons who think the plans of others the worst possible—that the legitimate authority which belongs to existing institutions is misconceived; unduly depreciated by one party, unduly magnified by the other.

§ 7. It has been remarked above, that the principle of veneration for antiquity, as such, does not now in general mislead the

philosophical world, though in politics much practical confusion of ideas exists on the subject. The factitious authority and importance which opinions derive from being the formulas and cries of parties, or the dicta of party-leaders, is a more besetting evil of modern times, and requires a separate consideration.

When the party end is a good one, the facilities for attaining it which the party spirit and combination afford cannot fail to be beneficial. The increased ardour in the common pursuit, the co-operation, the division of labour, the mutual regulation, and submission to a common leader, when directed to a worthy purpose, must be instruments of good. So long as a party, formed for such an object, continues under the direction of virtuous and able leaders, the opinions which it accredits will be sound and useful in their tendency, and its authority will be employed in giving strength and circulation to these maxims.

But in all parties, whether political or otherwise, there is a tendency to forget the end for which the combination exists, and to prefer to it the means; to think only of the confederation and the body, and not of the purpose for which the body exists.[1] Hence it sometimes happens, that the leaders who keep the proper end of the association steadily in view are after a time deposed, and that others, who look merely to the party as a party, who care little about the general objects at which it professes to aim, are substituted for them. These latter persons are followed and admired, as adopting a course which is to strengthen and consolidate the party union, and thus to make the party triumphant and powerful. Those, on the other hand, who urge that such a policy sacrifices the end to the means, and that the attainment of the purpose of the association is rendered secondary to the maintenance of the association itself, are disregarded and set aside.

In political affairs, it is indeed often dangerous for a party-leader to give honest advice to his followers, and to turn the authority of his opinion in a good direction. For if, from the occurrence of untoward events (which perhaps defied all calculation), the result of his advice proves unfortunate, or is even misunderstood and misrepresented, they attribute all the blame to

[1] When a party abandons public and general ends, and devotes itself only to the personal interests of its members and leaders, it is called a *faction*, and its policy is said to be *factious*. See Bolingbroke, *Dissertation on Parties*. —*Works*, vol. III. p. 14; ed. 8vo.

him, and visit the failure upon his head; forgetting that they voluntarily adopted his recommendation, and were parties to his act.[1] This is a sort of revenge which the subordinates of a party inflict on their leader, for his eminence and their obscurity. They think that they are entitled to a compensation for their want of influence over the counsels of the party, in a comparative exemption from responsibility for its acts. As long as things prosper, and turn out according to their wishes, they not only make the leader's views their own, and identify themselves with his opinions, but they glory in being his adherents. As soon, however, as a change takes place, and fortune becomes adverse, they often separate themselves from him, disavow all connection with his advice, and treat the former acts of the entire party as the acts of the individual leader. A party-leader cannot reckon on the friends of his prosperity being always the friends of his adversity.

Diffugiunt cadis
Cum fæce siccatis amici,
Ferre jugum pariter dolosi.

It is partly from a consciousness of the difficulty of inspiring into a large and unorganised body a sense of common responsibility—and partly from the greater facility of leading people where they are desirous of going, than where they ought to go, that party chiefs often become the flatterers and courtiers of the multitude, humour their caprices, encourage rather than check their evil tendencies, abstain from giving them good but unpalatable advice, and thus, in fact, end in being their followers rather than their leaders. Bad counsels are often acceptable; the wise and safe course is not always the most specious and attractive; prudence can often be decried as timidity or indolence; and rashness may recommend itself under the guise of spirit and energy.[2] The moral authority of a party leader, arising from the confidence of his party, from his supposed desire to promote their interests, and from his peculiar knowledge of their proceedings, is great, whatever the extent or importance of the party may be: so long as he continues their leader, the *prestige* of his name must go for something; and hence the obligation upon him of using his influence for good purposes, of consulting the lasting interests, both of his party and the public, and of not allowing his judgment to be perverted by objects of mere personal or corporate ambition.

[1] See above, ch. 7. § 14.
[2] See Mach. *Disc.* I. 53, 57: II. 22.

This is the best return which he can make for the allegiance of his followers.

Indeed, where the leader of a party, or founder of a sect, is influenced only by good motives, and his conduct is actuated by a conscientious sense of duty, he may sometimes become the object of an excessive veneration on the part of his followers; his very excellences tend to create an enthusiastic admiration of him, which carries his followers beyond the bounds of a reasonable deference and respect. In religion, a life of unspotted purity and ascetic devotion; in philosophy, a penetrating, inventive, and comprehensive genius; in politics, a disinterested, steady, and patriotic career, may exalt the authority of a leader above the credit due to fallibility. Unfortunately, however, the excessive veneration of a leader is not confined to *good* leaders. Fanaticism, mysticism, and other forms of error, conscious and unconscious, often impose on the credulity of followers, and induce them to place in their guide an unlimited and unsuspecting confidence. Hence, if the chief of a party or sect has, by fair or unfair means, fascinated the minds of his adherents, they walk blindly in his footsteps, and refuse to listen to argument against his dicta—to question which is, in their eyes, almost an act of impiety. Thus the Pythagoreans decided all controversies by an appeal to the *αὐτὸς ἔφα*, the *ipse dixit*, of their great master;[1] and Cato compared the Romans to a flock of sheep, on account of their headlong and gregarious tendency to follow a leader, contrasted with the difficulty of guiding them when scattered singly.[2]

On the other side, the leader of a party or sect is sometimes unduly prejudiced in favour of his followers; his opinions are reflected in them, and they repeat, circulate, and extol his doctrines; so that, by mutual praise and support, they inflame each other's self-esteem, and increase the tendency to sectarian exclusiveness.[3] Tendencies of this kind, if not repressed, may increase

[1] Nec vero probare soleo id quod de Pythagoreis accepimus: quos ferunt, si quid affirmarent in disputando, cum ex iis quæreretur, quare ita esset, respondere solitos, 'Ipse dixit:' ipse autem erat Pythagoras. Tantum opinio præjudicata poterat, ut etiam sine ratione valeret auctoritas.—Cic. *de Nat. Deor.* I. 5.

The *αὐτὸς ἔφα* is referred, not only by Cicero, but by Quintilian (*Inst. Orat.* XI. 1, 27) and others, to the followers of Pythagoras. There is, however, another explanation, which attributes the saying to Pythagoras himself; in which case the *αὐτὸς* is supposed to be the god who inspired him. See Menage *on Diog. Laert.* VIII. 46.

[2] Plutarch, *Cat. Maj.* c. 8.

[3] *τοὺς μὲν ἑταίρους ἦγεν ἴσους μακάρεσσι θεοῖσιν,*
τοὺς δ' ἄλλους ἤγειτ' οὔτ' ἐν λόγῳ οὔτ' ἐν ἀριθμῷ.

the authority of a leader amongst his own followers, but will inevitably diminish it with the rest of the world.

It may be observed, that the opinions of a party are often propagated in a cluster. The authority which belongs to the aggregate body of a party or sect, and to its leaders, prevents the requisite discrimination, and causes people to accept from them a set of opinions or doctrines, many or most of which may be true, but some can scarcely fail to be false.[1] Both in political and philosophical parties, there is often a disposition to imitate the practice of religious sects, and to establish a definite formula of faith, the acceptance of which constitutes orthodoxy—and its rejection, heterodoxy. If any neophyte attempts to exercise an independent judgment, or to make a selection among the articles of the prescribed creed, he is in danger of being visited with the moral pains of heresy.

When the corporate spirit of a party has been worked up to a high pitch by the exhortation and zeal of its leaders, the concentration of its sympathetic feelings within is generally accompanied by an aggravation of its anti-social feelings without. Combination implies repulsion.[2] When the passions of political parties are effectually roused, the principle or end of the union is nearly forgotten—the confederation itself is uppermost in the minds of its members. The two rival parties are like two hostile armies, each contending for victory, and regardless of the cause for which they are fighting. Hence the savage conflicts of political parties in the Greek republics of antiquity, and in the Italian republics of the middle age, which rendered it impossible for them to co-exist in the same commonwealth, and therefore the defeated party usually went into exile.[3] When the animosity of faction reaches this height, the opinions of its leaders, and the cause which it represents, can derive no authority from its support in the minds of impartial persons.

Now, with the subject of party generally, its character, causes, and effects, we are not at present concerned. We have to consider it mainly under a single aspect—viz., the moral weight and influence of the party leader, as arising from his position. This, however,

verses concerning Pythagoras, cited in Grote, *Hist. of Gr.* vol. IV. p. 547.

[1] Whately, *Bampton Lectures*, p. 54.

[2] Whately, *ib.* p. 10.

[3] ἡ φυγή. I fuorusciti. Owing to the fierce animosity and enduring hatred between political parties so situated, it has been maintained that *three* parties are more easily managed than *two*.—Bodinus *De Rep.* p. 568.

though only a portion, is an important portion of the subject. No party can exist unless it be provided with leaders. Without a spokesman, a guide, and an organiser; without a person to represent them—to collect, and express their opinions—to marshal their movements—to direct their proceedings—to form a common point of reference—to watch while others sleep—to reconcile differences—to arbitrate between rival pretensions—and to give unity, order, and concert to the actions of the many-headed body, —a multitude are powerless for anything but a transient impulse.[1] Hence, when a person has occupied this position with success, the authority of his opinion is great; from his experience and his peculiar means of information, he is believed to be better qualified to judge what is good for his party than any private member of it; and a large confidence is thus reposed in his discretion and advice. For this reason he ought always to bear in mind the responsibility of his situation; to remember that all his advice comes recommended by a weight of authority far greater than the mere logical reasons which support it; and that he has a power of doing good or ill, proportioned to his influence over his followers.[2]

§ 8. We have now called attention to some of the most prominent abuses of the principle of authority, and we might properly here conclude our inquiry—if there were not another question, not, indeed, closely connected with the influence of this principle, but still having some affinity with it, upon which it seems desirable to offer a few remarks.

In comparing the rapidity with which the knowledge of matters of fact, and a belief in opinions, are respectively propagated, a great difference is observable. Matters of fact, if interesting to the public, fly about with the speed of the wind.[3] Fame, according to Virgil's similitude, sits on an eminence, and speaks in a voice audible to whole cities. The modern inventions of newspapers, steam-presses, railways, and electric telegraphs, diffuse intelligence as to events over a whole kingdom in a few hours. Discoveries in science, likewise, so far as they are dependent on mere observation, such as discoveries in the heavens made by more powerful telescopes, or in minute objects by more powerful

[1] Mach. *Disc.* I. 44, 57.

[2] On party generally, see Thuc. III. 82–3; Bacon, *Essay* 51; Bolingbroke, vol. III.; Lord Brougham's *Political Philosophy*, vol. II. c. 5.

[3] The Italians have a proverb, (which, perhaps, recurs in other languages,) 'Le male nuove presto vanno.' Both good and bad news travel fast, but when good news arrives, nobody complains of its coming too soon.

microscopes, or new species in the animal or vegetable kingdom—are made known with great celerity.

But opinions are propagated at a slower rate of velocity. At first their diffusion is the result of examination and mature reflection by competent judges—a process which requires time. And when the general agreement of competent judges has accredited a new opinion, it is not diffused instantaneously by their authority. The public at large adhere tenaciously to their old opinions, and only surrender their convictions reluctantly and slowly. In either case, the area of opinion is only enlarged by a gradual extension.[1]

Such is the manner in which sound opinions are diffused. Being addressed to the understanding and reason, and being founded on an induction of facts, often numerous, dissimilar, and complex, the examination and verification of the reasons by which they are supported, is necessarily a slow and tedious process. Whenever we see opinions diffused rapidly, by a sort of electric or mesmeric influence of a leader upon the minds of his followers, their soundness may be suspected. There is a tendency in the mind to catch opinions when in a state predisposing to the reception of them, analogous to the tendency in the body to take diseases by infection. An influence is produced on the nervous system by impassioned and impressive addresses, and by sympathy with the enthusiasm of other listeners, which causes the whole audience to take fire, and to accept, on a sudden, impressions and opinions which each one, separately, would not have received from the self-same impulse.[2] This increased sensibility of a numerous audience arises from the stimulus which the feelings of each receive from witnessing the excitement of others, and from the consciousness, again, that his own feelings are reflected on *their* minds. If, for example, we could suppose an audience composed of persons isolated from all the rest (by a contrivance such as the separate stalls in the chapel of some of the newly-constructed prisons), ignorant of each other's feelings, and incapable of

[1] With respect to the reception of the Newtonian theory in England and on the Continent, see Whewell, *Hist. of Ind. Sci.* b. VII. c. 3, §§ 2, 3; of the Linnæan system, *ib.*, b. XVI. c. 4, § 6; and of Harvey's discovery, *ib.*, b. XVII. c. 2, § 3. On the slow diffusion of true opinions, see Helvetius, *De l'Homme*, § 9, ch. 8.

[2] 'The passions of men, which asunder are moderate, as the heat of one brand, in an assembly are like many brands, that inflame one another, especially when they blow one another with orations, to the setting of the commonwealth on fire, under pretence of counselling it.'—Hobbes, *Leviathan*, part II. c. 25.

sympathy, no effect such as this could be produced.[1] On the other hand, strong examples of the contagious effect of nervous impressions, communicated through the mind, have occurred among the illiterate audiences addressed by fanatical preachers, the effects of which have been similar to the imitative and sympathetic orgasms produced by the Dancing Mania of the Middle Ages—by the influence of the tomb of the Abbé Pâris upon the French convulsionnaires—and by the mesmerisers of our own time.[2] All opinions which are diffused rapidly, by impressions on the nervous susceptibilities of a numerous audience, are to be suspected; all practical decisions procured by such means are likely to prove unsound. The liability to such impressions increases, in proportion as the temperament approaches to the hysterical and feminine habit. But nobody, however robust his mind, is proof against this influence; and all men ought to distrust, not only the judgment of others, but their own judgment also, when formed under such circumstances.[3]

§ 9. The mental disposition just described is important with reference to the numbers of a deliberative body. A large body is much more liable than a small one to this nervous conflagration—to this contagious intoxication of the emotions and judgment; for example, a numerous public meeting than a jury or a vestry. Where the address is to the reason and understanding, a body consisting of a moderate number is best fitted for deliberation—not a great multitude, such as used to crowd the ecclesia or comitia of the ancient republics, the numbers of which, as all adult male citizens were members of it, were practically unlimited. A defined limit to the numbers of a legislative assembly has been secured by the contrivance of a representative government, and is one of the best results of that excellent political system. On the other hand, where the appeal is, properly and avowedly, to the feelings, emotions, and taste of the audience, not to their practical reason and judgment—where their moral and æsthetic sentiments, not their deliberative faculties, are called into action, the numbers of

[1] See Whately's *Rhetoric*, part IV. ch. 3, § 8. Compare above, p. 117.

[2] Upon the Dancing Mania of the fourteenth and following centuries, and other impetuous nervous affections produced by sympathetic causes, see the interesting account in Hecker's *Epidemics of the Middle Ages*, translated by Dr. Babington, pp. 87–152, particularly c. 4. Concerning mesmerism, see Burdin et Dubois, *Histoire Académique du Magnétisme Animal*, Paris, 1841.

[3] See Hume's *Essays*, vol. III. p. 572; Lord Brougham's *Pol. Phil.* vol. III. p. 99; Grote, *Hist. of Gr.* vol. IV. pp. 505, 6.

the assembly can scarcely be too great, provided that they comply with the mechanical conditions necessary for hearing and seeing. Such, for example, are all theatrical representations, which consist in dramatic performances, and are not (like combats of gladiators, bull fights, or dancing) addressed merely to the sight.

The drama is an embellished portraiture of life, serious or comic, intended, not to create illusion, as represented on the stage, but to produce a vivid effect upon the feelings of the audience, by the closeness of the resemblance and the truth of the imitation. This impression is greatly strengthened by the simultaneous influence of the acting upon the audience, and the sympathetic play of their feelings. Laughter, as we know, is essentially a social emotion. No man can laugh in solitude. A comedy which would convulse a whole theatre with laughter, would be read in the closet without a smile. The same is also the case, to a great extent, with the emotions of compassion and grief. Many more tears would be shed over the mimic sorrows of Juliet or Desdemona in the theatre than in the study.[1]

The art of the actor consists in working upon the emotions, either of pity, or admiration, or tenderness, or ridicule—in gently exciting the moral sensibilities of his audience, or in awakening mirth. These effects he produces by recitation and gesticulation, and by personating an assumed character; and in this his whole art is summed up. He aims at no ulterior object.

The deliberative orator speaks in his own person; and although he may use as instruments what the actor regards as ends—although he may arouse the passions and move the mirth of his hearers, yet he addresses their understanding, and seeks to influence their practical judgment. The histrionic powers of the orator are worthless in themselves; they are valuable only so far as they assist him in accomplishing his end—the conviction of his hearers.[2] In a theatre, the actors have alone a part to perform;

[1] 'Ut ridentibus adrident, ita flentibus adflent
Humani vultus.' HORACE.

[2] There is a current mistake as to a saying of Demosthenes upon oratory, which is reported by Cicero in two different passages (*De Orat.* III. 56; *Brut.* 38). Being asked what is the first thing in oratory, and what the second, and what the third, he replied always *actio*. This is usually translated *action*, which, according to the common acceptation of the word in our language, would mean the motion of the body in speaking. It ought to be translated *acting*, or rather, as we should say, *delivery*. Plutarch, in his *Lives of the Ten Orators*, c. 8, and Valerius Maximus, VIII. 10, ext. 1, in relating the same anecdote, use the Greek word ὑπόκρισις; while Quintilian, XI. 3, § 6, renders it by *pronunciatio*. *Actio*, or ὑπόκρισις, was defined by the ancients to

the audience are the passive recipients of the dialogue which passes on the stage. They sit by and listen, and, as it were, overhear it: though substantially intended for their amusement, it is not addressed to them in form.[1] Their enjoyment is derived from hearing a good dramatic composition recited with suitable tones, gestures, and feeling, and with a faculty which identifies each actor with the character represented by him. In producing this enjoyment, the whole business and purpose of a theatrical performance consists: the audience have nothing to do, or to decide; they have merely to take delight in the imitation. But, in a deliberative assembly, the orator speaks as one of the body; he tenders his counsel as on a matter in which all the members deliberating have a common interest; he does not stand on a stage, aloof from the others, to be gazed at and admired; nor does he play a part distinct from the rest of the assembly. He attempts to lead them to his view of a practical question, in the decision of which they are all to concur. His words are directly and pointedly addressed to his audience, and intended to influence their convictions. However he may, by his rhetorical powers, gratify the taste of his hearers—however he may charm them by his brilliancy, or amuse them by his wit, still his work is not completed by the mere enjoyment communicated to them: they have a part to perform as well as himself; they are equally actors in the drama; their collective act decides the question at issue; and they have a judgment to pass on the arguments and declamations addressed to them. His influence upon them, moreover, depends, to a great extent, upon their belief in his sincerity; if they think, or suspect, that his earnestness and impetuosity are feigned, and that he is merely acting a part, he will never reach their convictions.

It is manifest, therefore, that in theatrical representations the sympathetic play of the emotions is an advantage, inasmuch as it heightens the effect of the dramatic imitation upon each spectator; stimulates the actor to a more lively and impassioned performance of his part; and contributes essentially to the success of the entire work of art. But in deliberative assemblies, where the orator who

consist in all that belonged to voice and gesture. Thus Cicero, in his *Orator*, c. 17, says—'Est enim actio quasi corporis quædam eloquentia, quum constet e voce atque motu.' Compare Ernesti, *Lex. Techn. Lat.* in *agere*; *Lex. Techn. Gr.* in *ὑπόκρισις*; and Quintil. XI. 3, § 1. Undoubtedly, the characteristic excellence of a speech, as distinguished from a written composition, consists in the delivery.

[1] The parabasis of the ancient Greek comedy was a violation of the theatrical conventions, and of dramatic propriety.

delivers his opinion leads his hearers to a practical conclusion, there is no place for the exhibition of histrionic skill, or the mere indulgence of æsthetic feelings; the play of sympathies excited in a large audience disturbs the judgment, and produces a mental anarchy.

Where instruction is conveyed to an audience, who listen in respectful silence to the words of the teacher, it is immaterial how numerous they may be. In schools and churches, the pupils and congregation are, indeed, a necessary part of the assembly; but as they exercise no power, and indulge in no expression of feeling, inconvenience cannot arise from numbers. With regard to schools, indeed, the emulation of the pupils may contribute essentially to enforce the lessons of the master; and some assistance may be derived from mutual instruction; so that numbers are an important element in scholastic instruction.

§ 10. The inquiry undertaken in this Essay has now been brought to a close. The different subjects proposed in the first chapter for investigation have been passed under review; and an attempt has been made to determine the marks by which trustworthy guides in matters of opinion may be recognised—to ascertain the legitimate province of authority—and to discover the conditions most conducive to its beneficial influence.

Before, however, we take a final leave of the subject, it may seem natural to ask whether, after having looked at the Principle of Authority under so many aspects, and after having traced it in so many of its applications, we have arrived at any simple and practical maxim as the fruit of our researches.

The most important general formula which appears deducible from this inquiry is, that one of the main elements of civilisation is *well-placed confidence.*

One leading condition for the improvement of mankind, both in their public and private relations, is to find the means of promoting confidence in other persons, and of teaching how these persons can be properly selected. A disposition to confide, combined with a knowledge how to choose competent guides, and with a careful exercise of that choice, is both a mark of a civilised state of society, and a means of further social improvement. On the other hand, a general tendency to distrust and suspicion, combined with occasional blind deference to dishonest and unfit guides, is a

mark of a backward state of society, and a hindrance to ulterior progress.

The state of things last described may arise, either from a practical resistance to the Principle of Authority in every form; or from a misplaced confidence, and the choice of an unsound authority. Both of these failings may be seen, on a large scale, in an Oriental country. A general prevalence of a habit of unfounded distrust can only be rectified, when men, instead of permitting 'the proud feebleness of their understanding' (to use the words of a modern philosopher) to mislead them into judging upon matters on which they are not competent to form an independent judgment, evince a disposition to defer to the opinions of guides selected with care and discretion. Perhaps, however, the prevalence of distrust is more often owing to the want of fit guides than to a popular dislike of the Principle of Authority. It appears to be a frequent occurrence, in a backward state of society, that men are willing to waive their exercise of the right of private judgment, but place their faith in impostors and misleaders, who are candidates for their confidence, but are unworthy of it; who seek to act as their trustees, but are unfit for the trust.

That there is a strong inclination to the adoption of the opinion of competent judges, when competent judges can be clearly discerned to exist, is plain from the deference which is universally paid to the authority of the great luminaries of physical science. If there was a body of authority upon moral and political subjects, equally fulfilling the conditions which entitle it to public respect; if the choice of the people was not distracted by the wide divergence of opinions upon fundamental questions in this department of knowledge; it may be presumed that they would be equally inclined to place themselves under that guidance.

The extension of well-placed confidence is not only wholesome in our domestic and private relations—in those points of conduct and management of our worldly affairs to which professional advice is applicable—in our pecuniary dealings, where we are unable, of ourselves, to ascertain the value and quality of commodities—and even in speculative opinions, as to which our time and opportunities for study do not permit the safe exercise of private judgment; but it is also productive of eminent benefit in political affairs, in which a due selection of leaders, and a steady reliance upon their advice, is a far more effectual method of arriving at good government, than can ever be derived from those barren and

wearisome changes in mere political forms, which practical statesmen so often introduce blindly, at the suggestion of the fabricators of ideal commonwealths.

Well-placed confidence, in questions of opinion and conduct, is what sound credit is in mercantile affairs. Credit does not create wealth; neither does confidence create rectitude of judgment. The material commodity, and the mental capacity, must both pre-exist; but, in each case, the confidence turns it to the best account, and converts to a useful purpose that which might otherwise be locked up unproductively in the coffers or in the breast of its possessor.

In proportion as the circle of our confidence is enlarged, the probability that this confidence will meet with a fair return increases. He who confides justly in others, may expect that they will confide justly in him. At all events, it is only by evincing a disposition on one side to relax the precautions of mutual distrust, that the foundations of a general system of mutual reliance, ascending from private to political, and from political to international relations, can ever be securely laid.

In the present state of the civilised world, the progress of society will depend in part upon legislative improvements, and upon those measures which a government can command or influence; but it will depend still more upon the substitution of competent for incompetent guides of public opinion; upon the continued extension of their influence; and upon the consequent organisation of a sound authority in all the departments of theory and practice. Every one may, within his own sphere, and by means of his own vocation, contribute his share to the accomplishment of this great end; and mankind may thus approach more and more to a state in which opinion will constantly predominate over violence, in which reason will hold the ascendancy over passion, and wisdom will be diffused from various sources through a thousand channels. Under the operation of these influences, it will be found that the increased mental activity which accompanies progressive civilisation is not inconsistent with social tranquillity; that the extension of knowledge among the people does not promote anarchical doctrines; and that the principle of moral authority is too strong for the principle of political revolution.

APPENDIX.

ON THE DISTINCTION BETWEEN ARISTOCRACY AND DEMOCRACY, AND ON THE PROVINCE OF POLITICAL SCIENCE.

§ 1. In ch. VIII. of the preceding Essay, the Democratic form of government, and the power of the Majority of the People, as characteristic of that form, have been referred to, as something clearly understood, and having a recognised meaning. The subject is, however, still involved in some obscurity, notwithstanding the frequent use of the terms, and our apparent familiarity with the ideas which they represent; and I have, therefore, thought it advisable to append to the Essay, some remarks, in which an attempt will be made to ascertain, in what the received opposition between aristocracy and democracy, as generally understood, really consists.

The difference between governments in which *one* person exercises the entire sovereign power, and governments in which this power is shared among *several* persons, is obvious and precise. It is analogous to the difference between the singular and plural numbers in grammar. The former are called Absolute or Pure Monarchies, or simply Despotisms: the latter are called Limited Monarchies and Republics, and are generally known by the common name of Free Governments.

There is, however, greater difficulty in defining the distinction between the two varieties of the latter class of governments, which are respectively called Aristocracies and Democracies.

The distinction between these two forms of government is commonly made to depend on the sovereign power residing, or not residing, in a majority of the people. If, it is said, the sovereign power is vested in the people at large, or in a Majority of the people, the government is a democracy: [1] if only in a Minority of the people, the government is an aristocracy.

[1] Aristotle, in more than one place, speaks of the sovereign power of the majority of the people being the mark of a democracy, *Pol.* iv. 4. v. 9. In defining the three forms of government, he says, 'One, or the Few, or the Many, must be sovereign.' *Ib.* III. 7. Bodinus *de Rep.* II. 6, 7, defines aristocracy and democracy thus:—'Aristocratia reipub-

Now, from what has been stated above, in chapter VIII. (p. 180) it is apparent that, in speaking of the Majority of the People, we mean not the majority of the entire population, but a majority of a certain portion of the community. It is necessary, in the first place, to strike off all the women and children, and in States where slavery exists, all the slaves;[1] the residue, consisting of the free adult males, constitutes the people, for the purpose of determining the form of government.

§ 2. Having, by these eliminations, obtained the body which practically constitutes the people, we have next to consider whether the distinction between aristocracy and democracy turns upon a precise demarcation of the majority and minority of this body.

Now, (waiving, for the present, the question whether a right of voting for a representative in a supreme assembly can be fairly considered a portion of the sovereign power,) is it possible to found the distinction between aristocracy and democracy on any such minute difference? Mr. James Mill, in his *Essay on Government*, has apparently taken the words in this rigorous acceptation; for he has argued in favour of democracy, on the ground that each member of the majority of the people will have an interest in governing well, because he will have less than one person to oppress; whereas, each member of a minority of the people will have an interest in governing ill, because

licæ forma quædam est, in quâ minor pars civium in universos et singulos cives summæ potestatis jus habet.' (P. 339.) 'Respublica popularis est, in quâ cives universi, aut maxima pars civium, cæteris omnibus non tantum singulatim sed etiam simul coacervatis et collectis, imperandi jus habent.' (P. 359, and compare another version of the same definition, in p. 364.) He rightly remarks that there can be only three forms of government, determined by the *number* of the rulers (p. 366); and he objects to the system of Aristotle, which makes the distinction between oligarchy and democracy depend partly on the comparative wealth and poverty of the governing section of the citizens. (P. 356, 364.) 'Sive igitur optimi (he says) sive flagitiosissimi, sive ditissimi, sive nobilissimi, sive egentissimi, sive bellicosissimi summum imperium teneant, *modo civium pars minor extiterit*, aristocratiam appellamus.' (P. 341.) He lays it down that the decisive mark of an aristocratic government is, that the rulers should be less in number than half the entire community.—'Igitur in optimatum statu civium paucitatem spectare nihil est necesse, modo ii, qui in cæteros dominationem habent, *dimidio pauciores sint universis*.' (P. 342.)

[1] Referring to slaves and freedmen, Aristotle says that all are not to be considered as citizens, without whom a state could not exist: οὐ πάντας θετέον πολίτας, ὧν ἄνευ οὐκ ἂν εἴη πόλις, *Pol.* III. 5. Again, he remarks, that in order to determine the proper size of a state, as to population, we must look, not to the number of slaves and resident aliens, but to those who are, in fact, the component parts and members of the state: ὅσοι πόλεώς εἰσι μέρος καὶ ἐξ ὧν συνίσταται πόλις οἰκείων μορίων.—*ib.* VII. 4. So he says that in calling a state *happy*, we must look not to a part, but to all the citizens: εὐδαίμονα δὲ πόλιν οὐκ εἰς μέρος τι βλέψαντας δεῖ λέγειν αὐτῆς, ἀλλ' εἰς πάντας τοὺς πολίτας, *Pol.* VII. 9. He means, however, to exclude all who are not strictly free citizens; *i.e.*—all aliens, freedmen, and slaves, the great numerical majority of the population. Compare Grot. *J. B. et P.* I. 3, § 8, n. 6. 'Quid quod nulla respublica adeo reperta est popularis, in quâ non aliqui aut valde inopes aut externi, tum vero et fœminæ et adolescentes, a deliberationibus publicis arceantur.' Where see Barbeyrac's note. 'Servos antea ex albo civium eximi omnium pæne populorum consensu diximus,' says Bodinus *de Rep.* III. 8. p. 544; who however states it to be his own opinion, that slaves ought to be admitted to political rights.

he will have more than one person to oppress.[1] But the ordinary usage of the words appears to me to be less precise, and it is doubtful whether, even in scientific reasoning, they can be advantageously used with greater strictness.

The distinction between aristocracy and democracy, as commonly conceived and understood, is not a logical distinction of *kind*, founded on a precise line of separation, but merely a distinction of *degree*. Aristocracy and democracy cannot be considered as describing governments in which a majority or minority of the people is sovereign, such majority or minority to be determined with numerical precision, like the numbers of voters in a parliamentary assembly, or at a popular election. Let us, for example, suppose that, in an independent State, there are 20,000 adult males, and that a law for the regulation of their political suffrage is in question. Everybody would feel that there was a wide and practical difference between a suffrage co-extensive with this entire body, (*i.e.* universal suffrage,) or a suffrage dependent on a high property qualification, which would limit the voters to 1000 or 1500. The former would be properly called a democratic, the latter an aristocratic arrangement. But no one would consider it of any importance whether the suffrage extended to 10,001, or to 9,999 persons; and it would plainly be a distinction founded on a merely fanciful and unpractical line, if the difference between aristocracy and democracy was made to depend on such an imperceptible shade.

In cases where an assembly decides by a majority of votes, the difference between a majority and a minority founded even on a single vote, may, in a particular case, be all-important. But, where men are thrown into large masses, where public opinion acts irregularly, and by impulses, and where no legal effect is given to the numerical majority of the aggregate, but the constituent body is divided into distinct sections, all reference to the precise preponderance of numbers is nugatory. It would be as futile as an attempt to make the distinction between heat and cold depend on the thermometer being above or below some fixed degree in the scale. We know that the variations of the thermometer, for a few degrees above or below a medium point of temperature, are scarcely perceptible: but we can, nevertheless, distinguish between frost and summer's heat.

Where a few persons, nobles, or rich men, monopolise the entire governing power, and give themselves important and exclusive privileges, there everybody recognises an aristocracy.[2]

[1] Suppt. to *Enc. Brit.* vol. IV. p. 500–1.

[2] In the definitions of aristocracy and democracy, both in ancient and modern writers, there is often no reference to a precise demarcation, The People, the Many, or the Poor, are spoken of as having the chief power in a democracy;—the Nobles, the Rich, the Senate, or the Few, in an aristocracy.

Pindar opposes the σοφοὶ to the λαβρὸς στρατός, Pyth. II. 157. Tacitus says: 'Cunctas nationes et urbes *populus* aut *primores* aut *singuli* regunt.'—*Ann.* IV. 33. Seneca names

Where the great body of the people possess political rights and franchises, and a complete civil and political equality prevails, there everybody perceives democracy.

But these two political states pass into one another by insensible degrees—like the conditions of rich and poor—and cannot be marked off by a precise boundary. Accordingly, it is often said, that a constitution is *more* or *less* aristocratic or democratic;[1] meaning that it approaches nearer to one or the other extremity of the scale, the opposite ends of which are thus characterised. Whereas, if the distinction were founded on a logical difference, a gradation such as this would not be possible. A number is either odd or even, and it cannot be more odd or more even. It is conceivable, likewise, that a government might be so tempered, that it has no decided inclination either to aristocracy or democracy; it might occupy that middle part of the scale to which neither designation could with confidence be applied, and which would correspond to the degrees of a thermometer which are styled temperate, to the period of life which is called middle age, and is neither old nor young, to the crepuscular state, which is neither night nor day, and the like.[2]

Consistent with this view, is Aristotle's definition of a democracy, and its distinction from an oligarchy. He says, that the former is a government in which the *poor*, the latter, a government in which the *rich* are rulers.[3] That is to say, in order to characterise the form of government, he looks to the opposite extremities of the social scale,

populus, senatus, and *singuli.—Epist.* 14, § 6. Quintilian names *populus, pauci*, and *unus.—Inst. Or.* V. 10, § 63. Cicero names *unus, delecti*, and *populus.—De Rep.* I. 26. Montesquieu says that when the people in a body has the sovereign power, it is a democracy; when the sovereign power is in the hands of a part of the people, it is an aristocracy.—*Esp. des Loix*, I. 2. Puffendorf says, that in a democracy, the people is sovereign; in an aristocracy, the principal persons of the state.—*Law of N. and N.* VII. 5, § 3.

[1] Aristotle says that seditions take place concerning the different degrees of oligarchy and democracy—whether a government shall be more or less oligarchical or democratical. ἔτι περὶ τοῦ μᾶλλον καὶ ἧττον· οἷον ἢ ὀλιγαρχίαν οὖσαν εἰς τὸ μᾶλλον ὀλιγαρχεῖσθαι ἢ εἰς τὸ ἧττον, ἢ δημοκρατίαν οὖσαν εἰς τὸ μᾶλλον δημοκρατεῖσθαι ἢ εἰς τὸ ἧττον.—*Pol.* V. 1. Again, in V. 9, he speaks of the most democratic democracies. ἐν ταῖς δημοκρατίαις ταῖς μάλιστα εἶναι δοκούσαις δημοκρατικαῖς. So, Montesquieu, on aristocracies: 'Plus une aristocratie approchera de la démocratie, plus elle sera parfaite; et elle le deviendra moins à mesure qu'elle approchera de la monarchie.'—*Esp. des Loix*, l. II. ch. 3. Montesquieu here conceives aristocracy as oscillating between the extremes of monarchy and democracy—between the government of the *one* and that of the *many*—and as capable of resting at any point intermediate between these two limits.

[2] Grotius refers to a middle state of this kind, as frequently creating uncertainty in the moral sciences: he compares it with the *dawn*, an intermediate state between night and day, and with water in a *lukewarm* state, between heat and cold.—*De J. B. et P.* II. 23, § 1. Puffendorf, in commenting on this passage, remarks that a medium state of this kind is called, in the schools, a *participative mean*, as partaking of the two extremes in both directions.—*Law of N. and N.* I. 2, § 9.

[3] *Pol.* III. 5, IV. 3. He reconciles this with the numerical definition by saying, that *democracy* is when the free citizens and the poor, being the majority, are sovereign; *oligarchy*, when the rich and noble, being few in number, are sovereign.

without adverting to the *middle* class of citizens; of whose importance he is, nevertheless, well aware.[1] He speaks, indeed, in many places, of the danger of making a government too democratic, or too oligarchical, by inclining too exclusively to the interest of the rich or the poor. He considers it fortunate for a commonwealth when the middle class of citizens is large and powerful, and he advises that this class should always, when it is possible, be invested with political power, so as to make a constitution mixed of oligarchy and democracy.[2]

It may be added, that aristocracy and democracy are, properly speaking, *forms of government;* and that, in distinguishing between them, the distribution of the sovereign powers, or of the political suffrage, must alone be considered.

But, inasmuch as certain *states of society* are in general found to accompany these forms of government, a people is sometimes called aristocratic or democratic, although its form of government may not be entitled to be so called. For example, M. de Tocqueville, in his work on the *United States*, often calls the English people, or state of society, aristocratic; and the French people, or state of society, democratic. There is more *social* equality, in point of actual wealth, among the upper and middle classes in France than in England;[3] but looking

[1] *Pol.* IV. 11 and 12.

[2] In *Pol.* IV. 11, Aristotle remarks, that 'in all states the community consists of three parts—the very rich, the very poor, and those between these two classes.' In this and the following chapter, he enlarges, at length, on the advantages arising from investing with power the middle class of citizens. Again, in V. 8, he dwells on the importance of a *moderate* constitution, avoiding the extremes both of oligarchy and democracy, but founded on the interests of the middle class. Aristotle, however, remarks, that of the two extremes, the oligarchical is the most dangerous: the excesses of the rich destroy the State (he says) more often than the excesses of the people (IV. 12). Oligarchies are likewise more instable and short lived than democracies (V. 1 and 12). A moderate constitution, in which the rights of all the citizens are regarded, founded mainly on the support of the middle class, but inclining to democracy, is what Aristotle calls a πολιτεία (V. 7).

Bodinus, *de Repub.* II. 6 (p. 345), thinks: 'Civitates optimatum imperio moderatas, stabiliores esse quam populares;' and, indeed, he says: 'aristocratiæ semper diuturniores fuerunt in quibus pauciores erant optimates.'—VI. 4, p. 1102.

Muratori likewise speaks of the mixture of aristocracy and democracy in the Italian republics: 'Non una sorte di governo stabilimente si conservò una volta nelle città libere d'Italia, ma di tre differenti spezie di governo or l'una or l'altra si praticò. L'*Aristocratico* fu de' soli nobili, con esclusione della plebe, come tuttavia si osserva nelle repubbliche di Venezia, Genova, e Lucca. Il *democratico* del solo popolo, esclusi i nobili, come sovente avvenne in Siena, e talvolta anche in Genova, Bologna, &c. Il *misto* composto di nobili e popolari, con divi'ere fra loro gli ufizj; il che si osservò non rade volte per quasi tutte le libere città. L'Italia e la Grecia anticamente diedero esempli di questi tre governi.' —MURATORI, *Diss.* 52 (tom. III. p. 119).

[3] 'Quand un peuple a un état social démocratique (says M. de Tocqueville), c'est à dire qu'il n'existe plus dans son sein de castes ni de classes, et que tous les citoyens y sont à peu près égaux en *lumières* et en biens.'—*La Dém. en Am.* tom. IV. p. 243. There is, however, no country in which the people are nearly equal in intelligence and knowledge. By a democratic state of society, is meant a state of society in which there are no privileged orders, and in which there is an approximation to an equal distribution of property: where the *legal* equality is complete, and the *social* inequality is not considerable.

to *political* institutions—to the power of the crown, the extent of the suffrage, the liberties of the subject, the facility of political association, the freedom of the press, &c., England was, when M. de Tocqueville wrote, more democratic than France. So the state of society in France, before the revolution of 1789, is usually called aristocratic, although the government was a pure monarchy.

An aristocratic or democratic *period* is likewise spoken of, meaning a period characterised by the existence of those political institutions, and that social state, which naturally result from these several forms of government, or by a tendency to their adoption.

§ 3. If the preceding view of the difference between aristocracy and democracy is correct—if the distinction between them is of *degree*, and not of *kind*, it follows that much caution ought to be used in laying down general propositions respecting them.

Unquestionably, there are certain tendencies which are common to all aristocracies and all democracies. Where the powers of government are confined to a *few*, there is a tendency to political inequality—to a system of privilege for the persons possessing those powers, and probably to social inequalities of wealth, hereditary rank, &c. Where they are common to a *large number*—to an actual majority or a large minority of the people, there is a tendency to political equality, to the absence of privilege, and to social equality in respect of wealth and private position.

From these distinctions certain consequences may be derived, which it may be possible to express in general terms. By carefully analysing the phenomena which accompany the aristocratic and democratic forms of government; by excluding those which are traceable to other causes, (such as religion, race, geographical position, state of the useful arts, &c.) by thus isolating the residuary phenomena, and referring them to their true cause; certain general theorems respecting the several tendencies of these two forms of government may be constructed.[1]

After all, however, nothing more than *general or prevailing tendencies* can be predicated.[2] It can only be affirmed that, supposing men who have the power will use that power as men hitherto have for the most part used it, such and such consequences will follow. For it is conceivable, for instance, that in a narrow aristocracy, the ruling body might, under the guidance of some far-sighted and public-spirited leader, administer the government upon liberal and popular principles.[3]

[1] 'So great is the force of laws, and of particular forms of government, and so little dependence have they on the humours and tempers of men, that consequences almost as general and certain may sometimes be deduced from them, as any which the mathematical sciences afford us.'—HUME, *Essays*, Part I. Essay 3—*That Politics may be reduced to a Science.* See also, Mill, *System of Logic*, b. VI. c. 6.

[2] See above, p. 97.

[3] 'It has often happened (says Aristotle) that the constitution according to law is not

Of such a process of reasoning, confined within its proper limits, no better example can, perhaps, yet be named, than the analysis of the Greek oligarchies and democracies, in Aristotle's *Politics*. Even his inferences require, in many cases, to be limited by the peculiar data of his problem.

Amongst the modern speculators on Politics, several have, however, carried the attempt too far, and have selected, as distinctive marks, or invariable accompaniments, of aristocracy and democracy, or of free governments generally, circumstances which do not belong to the essence of these forms of government, and only are in certain cases accidentally found in connection with them.[1]

Thus, it cannot be laid down universally, with Montesquieu, that Virtue is the principle of democratic, and Moderation of aristocratic governments.[2] Neither can it be affirmed, with him, generally, that luxury is advantageous to monarchies, and detrimental to aristocracies and democracies;[3] or, that the Catholic religion best suits a monarchy, and the Protestant religion a republic.[4]

Some of the theorems respecting free or popular government, laid down by Hume, in his *Essays*, appear, in like manner, to be derived from an imperfect induction, and therefore not to admit the generality which he assigns to them. Thus, he lays it down, as a general truth in politics, 'invariable by the humour or education both of subject or sovereign,' that free governments, though commonly the most happy for those who partake of their freedom, are the most ruinous and oppressive to their provinces. 'The provinces of absolute monarchies (he adds) are always better treated than those of free States.'[5] That many free States, as well aristocratic as democratic, have misgoverned their dependent provinces, cannot be disputed; and it may, perhaps, be admitted, that the

popular; but, as to its spirit and conduct, is administered in a popular manner: and again, in other cases, the constitution has been according to law of a popular tendency; but in its spirit and conduct is rather oligarchical.'—*Polit.* IV. 5.

In like manner, Bodinus, *De Rep.* II. 2 (p. 295): 'Optimates pauci rempublicam populari modo regere possunt, si cives omnes omnium magistratuum participes fecerint: aut aristocratice, si paucis quibusdam, [paucos quosdam?] qui aut virtute, aut censu, aut nobilitate cæteris præstent.' He makes the same remark with respect to a king, viz.—that he may govern the State either on popular or on aristocratic principles.

[1] Hume remarks, that many of Machiavel's general inferences on political forms are founded on too narrow an induction for general application: 'Machiavel (he says) was certainly a great genius; but, having confined his study to the furious and tyrannical governments of ancient times, or to the little disorderly principalities of Italy, his reasonings, especially upon monarchical government, have been found extremely defective; and there is scarcely any maxim in his *Prince*, which subsequent experience has not entirely refuted.'—Part I. Essay 12—*Of Civil Liberty*.

[2] *Esprit des Loix*, liv. III. ch. 3, 4; V. 2–8.

[3] *Ib.* l. VII. c. 2, 3, and 4. He concludes the latter chapter thus: 'Tout ceci mène à une réflexion; les républiques finissent par le luxe, les monarchies par la pauvreté.' Under *republic*, Montesquieu includes both aristocracy and democracy.

[4] *Ib.* l. 24, ch. 5.

[5] *Essays*, Part I. Essay 3—*That Politics may be reduced to a Science.*

peculiar opinions and customs of a dependent community are more likely to be treated with respect where the paramount nation is governed by a monarch, than where it is under an aristocratic or democratic regimen; though the treatment of Flanders and the American provinces by Spain affords a remarkable proof of a similar tendency in a despotic government. But it cannot be conceded, that there is anything in the essence of a free government (*i.e.* a government which is not an absolute monarchy [1]), necessarily tending to produce oppression of dependencies. Hume himself, on the other hand, refutes a position which he found laid down by many writers, that the *arts and sciences* never can flourish but under a free government.[2] He likewise questions the universality of another established opinion on the same subject, that *trade* can only flourish under free institutions; though he admits, that this latter opinion rests on a wider observation than the former one.[3] Elsewhere, however, he lays it down, that 'it is impossible for the arts and sciences to arise, at first, among any people, unless that people enjoy the blessing of a free government:' and that, 'though the only proper nursery of those noble plants [the arts and sciences] be a free state, yet may they be transplanted into any government; and that a republic is most favourable to the growth of the sciences, and a civilised monarchy to that of the polite arts.'[4] Positions such as these, respecting the attraction or repulsion, of either monarchy on the one hand, or of aristocracy and democracy on the other, for the arts and sciences, and for commerce, seem to me scarcely to admit of satisfactory demonstration.

No one, however, has carried this mode of reasoning so far as M. de Tocqueville, in his work *on Democracy in America*. In this able treatise he attempts to lay down a number of general propositions respecting democracy, and a democratic people or age; not confined to the more immediate and palpable effects of the form of government, but extending to very remote consequences, and comprehending subjects having no obvious connection with political institutions.

For example, he lays it down that a democratic age has a natural tendency to *pantheism;* he believes that this philosophic or religious system has a peculiar attraction for a democratic people.[5] He thinks that democratic nations are passionately fond of *abstract and generic*

[1] 'The government, which in common appellations [parlance?] receives the appellation of *free*, is that which admits of a partition of power among several members, whose united authority is no less, or is commonly greater, than that of any monarch; but who, in the usual course of administration, must act by general and equal laws, that are previously known to all the members, and to all their subjects.'—HUME, Part I. Essay 5—*Of the Origin of Government.*

[2] Part I. Essay 12—*Of Civil Liberty.*

[3] *Ibid.*

[4] Part I. Essay 14—*Of the Rise and Progress of the Arts and Sciences.*

[5] *La Démocratie en Amérique*, tom. III. p. 59.

terms.[1] Again, with regard to the fine arts; he is of opinion that a love for numerous small works of painting or sculpture, executed by inferior artists, characterises a democratic people.[2] He thinks likewise that in architecture the democratic taste inclines to buildings devoid of solidity, and made only for outward show. As an example of the latter, he refers to a row of small palaces, of Grecian architecture, near the shore, at New York, which at a distance he supposed to be of white marble, but on a near approach he discovered to be of brick and plaster, with painted wooden columns.[3] As to poetry, he fears that, finding no fit subject for it in the real life of his country, a democratic poet will depart widely from nature, will lose himself in the clouds, and pursue the wild, the monstrous, and the exaggerated.[4] He affirms that a democratic nation despise the coarse and noisy amusements which please the common people in an aristocracy, but that they cannot appreciate the intellectual and refined amusements of the aristocratic classes; that they require something productive and substantial even in their diversions.[5] He thinks farther, that a democratic age is peculiarly characterised by a fondness for easy successes and present enjoyments.[6] He even believes that, in an aristocracy, every person has a single object which he pursues without cessation; whereas in a democratic society each person follows several objects at the same time.[7]

Now, on considering these and similar general propositions with which M. de Tocqueville's ingenious and suggestive work abounds, it is easy to see that he has not sufficiently borne in mind a caution which he has himself laid down as a guide in inquiries, such as that which he has undertaken. He remarks elsewhere, that it is necessary not to confound that which is democratic with that which is only American. He warns his readers against seeing all democratic nations under the type of the American people. He says that he cannot consent to separate America from Europe, notwithstanding the ocean which divides them. For that he considers the people of the United States as only a portion of the English people, employed in clearing the forests of the New World; while the rest of the nation, possessed of greater leisure, and less engrossed with the care of procuring a livelihood, can occupy itself more with mental pursuits.[8]

In these just remarks, M. de Tocqueville indicates the necessity of attending to other circumstances than political institutions in characterising the acts and dispositions of a community. He shows that he bears in mind the important influence which national origin, race, religion, manners, climate, geographical position, as well as the state of the useful arts, cannot fail to exercise upon the opinions, feelings, acts,

[1] *La Démocratie en Amérique*, tom. III., p. 135. [2] *Ib.* p. 100.
[3] *Ib.* p. 101. [4] *Ib.* p. 155. [5] *Ib.* tom. IV. p. 118.
[6] Tom. III. p. 29. [7] Tom. IV. p. 122. [8] Tom. III. pp. 68, 70, 71

and character of a political society. He points to the many features of resemblance between the people of England and that of the United States, notwithstanding that the one (according to his view) is an aristocratic, the other a democratic community.

It would, perhaps, be not difficult, if this were the proper place, to trace many of the phenomena, selected by M. de Tocqueville, to various unconnected sources, wholly independent of democratic or other political influences. For instance, the prevalence of pantheistic opinions (so far as they *are* prevalent) is to be sought for in the diffusion of the modern German philosophy—the taste for cheap works of art in numerous mechanical inventions for facilitating their production. In order to see at once that M. de Tocqueville's theorems respecting aristocracy and democracy are, in fact, founded on an imperfect induction—that he has not disentangled all the antecedent facts concurring in the production of the observed phenomenon—and that he has generalised the single case of America, or, at most, of America and France, it is only necessary to test his propositions by the *ancient republics*.

Now, nobody would think of saying that, in the Grecian democracies, the people had any tendency to pantheism, or to the use of abstract terms; and certainly it could not be affirmed of Athens, in the age of Pericles, that its taste in poetry ran into the unnatural and grotesque, or that its taste in sculpture and architecture was turned to petty and perishable works. So the row of white plaster palaces at New York, which M. de Tocqueville considered a mark and consequence of democracy, has, I fear, many parallels, and probably patterns, in aristocratic England.

M. de Tocqueville doubtless saw that most of his general apophthegms concerning democracy, were not applicable to the republics which the ancients regarded as democratic, and which the moderns have generally recognised as such. Accordingly, he considers the governments, both of Athens and Rome, at their most popular periods, as being, in fact, aristocratic on account of the exclusion of the slaves from political rights.[1]

It is no doubt right, in reasoning upon the ancient democracies, and in instituting a comparison between them and modern democracies, to bear constantly in mind the important fact, that the former contained a numerous class of slaves, and that the free citizens were only a small minority of the entire population. But it would, in my opinion, be a disturbance of the established landmarks of history, and an unauthorised departure from the received language of all writers, ancient and modern, to treat the Athenian and Roman governments, in their de-

[1] Tom. III. p. 122. In like manner, he says, that the Americans who inhabit the States where slavery does not exist, alone present the complete image of a democratic society, tom. IV. p. 147.

veloped forms, as aristocracies. Nor, indeed, would even this phraseology render M. de Tocqueville's generalisations correct; for assuming these governments to be aristocratic, it will be found that his general affirmations respecting aristocracies are often as inapplicable to those ancient republics as other of his general affirmations respecting democracies.

The utmost caution is requisite in laying down general propositions respecting the tendencies of aristocratic and democratic governments, or the characteristics of aristocratic and democratic communities. Even the induction of Aristotle, which was necessarily confined to the Greek and other republics on the shores of the Western Mediterranean, is, in many cases, inapplicable to modern Christian communities, having no class of slaves, and acquainted with the use of gunpowder, printing, the compass, and the steam-engine. M. de Tocqueville remarks, that 'two neighbouring nations cannot have the same democratic social state without adopting similar opinions and manners.' [1] Admitting the truth of this remark, (which, however, I must be permitted to think very questionable,) it does not follow that this similarity will exist in cases where communities are separated, not only by wide intervals of space, but also by wide intervals of time, and whose religion, race, language, and civilisation, are widely different.

§ 4. It is by a neglect to observe the cautions above indicated—by hasty attempts to generalise without a sufficient basis of facts, and to found universal theorems upon a complex but undissected phenomenon—by the consequent establishment of imaginary laws of connection between facts related to each other only by juxtaposition in place or time—and by subjecting intricate problems of plurality of causes to the direct inductive method, without verification or correction, that the Science of Politics has been rendered uncertain and uninstructive, and that practical politicians and statesmen have been deterred from regarding it as resting on a sure foundation, or as tending to useful applications.[2] If political science be properly understood—if it be confined within the limits of its legitimate province—and if its vocabulary be well fixed by sound definitions and a consistent usage, there is no reason why it should not possess the same degree of certainty which belongs to other sciences founded on observation.

§ 5. Political science may be conveniently distributed into the following three great departments:—

1. The nature of a sovereign government, and its relations with the individual persons immediately subject to it.
2. The relation of a sovereign government to a political community dependent upon it.

[1] Tom. IV. p. 243.

[2] As to the defectiveness of the ordinary methods of proof in the moral sciences, see the exposition of Mr. Mill, *System of Logic*, b. III. c. 10, § 8; b. V. c. 5, § 4; b. VI. c. 7.

3. The mutual relations of the sovereign governments of independent communities.

Each of these departments admits of being considered in a double point of view. Each may be either treated merely as something existing, as something which *is*, without reference to its *tendencies*, or to any *standard of rectitude;* or, again, it may be assumed that the existing state of each is known, and it may be treated with reference to its probable future tendencies and effects, as well as with reference to its most improved and perfect state, or what it *ought to be*. The former may be called *Positive* or *Descriptive*, the latter, *Ideal* or *Speculative Politics*.

The science of Positive or Descriptive Politics would, with regard to the *first* of the three departments above mentioned, comprehend an exposition of the structure of a sovereign government, and its powers—the nature of laws and of their execution—the nature of legal rights and obligations, and their classes, and other cognate subjects. This exposition would be generally applicable to *all* governments, laws, rights, obligations, &c., without reference to their comparative goodness or badness, or to their conformity with some ideal standard; it would treat political society merely as a subject of observation, and political institutions as something to be noted and described.[1] Portions of Aristotle's *Politics*, of Cicero's *Republic*, of Hobbes' *Leviathan*, of the works of Grotius and Puffendorf on the Law of Nations, and of their followers, fall under this head. Most of the writers on general jurisprudence likewise contain an exposition of the nature and action of a sovereign government. On the other hand, the *Republic* and *Laws* of Plato, a large part of Aristotle's *Politics*, the works of Bodinus, Machiavel, Montesquieu, Sir T. More, and others, are occupied almost exclusively with considering the tendencies and effects of certain political forms and institutions, or the best form of government.

The *second* department above mentioned, viz.—that which concerns the relation between a paramount or imperial community, and its dependency, has been considered more or less at length by many writers, but has been generally treated in connection with the question of colonies, both as respects the actual form of the relation, and the rules of expediency by which it ought to be governed.

The *third* department, viz.—that of the Law of Nations, or International Law, may be regarded under the same double aspect. It may be either considered as an actually existing system of moral rules, to which the governments of civilised nations usually conform in their mutual relations, and to which they habitually appeal as something recognised in common. Or it may be considered as an ideal or theo-

[1] 'General jurisprudence, or the philosophy of positive law, is concerned with law as it necessarily is, rather than with law as it ought to be: with law as it must be, be it good or bad, rather than with law as it must be, if it be good.'—AUSTIN, *Outline of Lectures on General Jurisprudence*, p. 3.

retical type, to which the practice of independent nations *ought to* conform. Such, for example, would be a system of conventional rules for the prevention of war between civilised nations, and for the settlement of international differences without an appeal to arms. The former of these has been called the Positive Law of Nations; the latter might be called Speculative International Law. In the earlier writers, as Grotius and his imitators, the Law of Nations *as it is*, and the Law of Nations *as it ought to be*, are frequently confounded; and, indeed, scarcely any attempt is made to separate them. By the more recent writers on this important branch of political science—as Martens and Wheaton—this distinction has been generally observed.[1]

The Positive or Descriptive Branch of Political Science, (whether it treats of the relations of a sovereign government to its immediate subjects, or of its relations to its dependencies, or of international law,) is concerned merely with the past and present. It considers exclusively what a sovereign government is, and must be; what is necessarily its mode of action; what are its relations, in every conceivable state of things, with those who are subject to its power. In like manner, it describes the rules which have been actually observed and recognised by sovereign governments in their relations with each other. It is partly founded on facts observable, and within the reach of our senses, and partly on facts recorded in history.

This portion of political science admits of as much certainty as the physical sciences; and it might, by due attention, and the absence of political prejudice, be brought immediately to scientific perfection. Within its proper province, there is no fact or phenomenon requiring notice which eludes observation; nor is there any combination of facts for which an adequate general expression cannot be found.

Let us, for example, take such propositions as the following:—

A sovereign government is free from all legal restraint.

A positive law is a general command, proceeding directly or indirectly from a sovereign government.

A legal right is conferred, a legal obligation is created, by a sovereign government.

A dependency is a political community under a subordinate government.

International law is not enforced by any tribunal common to two or more independent nations.

Such propositions as these are as certain, and rest on as good evidence, as general propositions in mechanics, optics, or chemistry. If

[1] The distinction between the *Positive* and the *Natural* Law of Nations is clearly laid down by Vattel (*Law of Nations*, §§ 2-7), and he says: 'We shall be careful to distinguish them, without, however, treating of them separately.' Martens points out the same distinction, and dwells on its importance.—*Law of Nations*, Introd. §§ 3 4.

they are not true, the fault must be imputed, not to the subject-matter; but to imperfect or inaccurate induction, or defective language. The facts upon which these propositions are founded lie as open to observation, and are determined with the same amount of certainty, as those which support propositions in physical science. It is true that political science cannot be made the subject of experiment; we cannot arrange the phenomena at will so as to test a certain principle; but the relations of government and society, in a state of equilibrium, are all within the range of our senses, and can be determined with scientific certainty.

Politics, considered as a descriptive and positive science, deals merely with the relations of men to one another. All these are manifested in outward acts, and are, therefore, exempt from the obscurity which envelops the internal processes of thought, the subject of metaphysics—and the operation of our vital organs, the subject of physiology.[1]

The prevalent belief in the inferior certainty of political, as compared with physical science, arises in part from a confusion between the certainty and the precision of sciences. It has been truly remarked by M. Comte, that a proposition may be certain without being precise, and precise without being certain.[2] There is such a thing as precise falsehood; and in cases where we can only approximate to the truth, a statement which is true may be couched in vague and general terms. Thus, in politics, many of the definitions—such as those of aristocracy and democracy, illustrated in this Appendix—are founded on distinctions of degree, and are, therefore, necessarily unprecise. Many, if not most, political forms are separated from one another rather by gradation than by a logical limit. Yet the distinctions which they indicate, though wanting in the sharpness and rigour of geometrical determinations, are just as real and certain as lines, angles, surfaces, and solids.

The speculative or ideal branch of political science, on the other hand, (with whatever department of politics it may be occupied,) considers the *tendencies*, actual or possible, of governments, political institutions, and laws; it also considers what are the best and most perfect political forms and institutions, or what a government and its acts *ought to be*. It is concerned primarily and directly with the *future*, and only incidentally and by reference with the *past*. It professes to furnish the statesman with a manual of legislation; to teach how States ought to be constituted, organised, and governed; what rules ought to be observed in the intercourse of independent nations; and, generally, to lay down the maxims which should guide

[1] Compare Mill's *System of Logic*, vol. I. p. 537.
[2] *Cours de Phil. Positive*, tom. I. 103.

mankind in all the relations and forms which political government can assume.

Positive and speculative politics stand to one another in the same relation as that in which the descriptive and preceptive departments of ethics stand to each other; in which an account of the passions and moral sentiments stands to a set of moral rules for the guidance of life, and the formation of a virtuous character; or in which anatomy and pathology stand to therapeutics.

The speculative branch of politics, from its nature, does not admit the same amount of certainty as the positive branch. While the latter treads on the sure and firm ground of the past, the former partakes of the uncertainty and obscurity which generally cover the future. It professes to describe the *tendencies* of political institutions, collecting them from the past by a process of observation and inference. But when the theory so established is applied to any practical case, it becomes necessary to consider whether the tendency will operate unchecked, or whether its operation will be counteracted, either wholly or partially, by opposing and disturbing forces. In politics, as in other sciences, the probable consequences of any efficient cause can only be expressed in general terms, by supposing that cause to act freely, and without impediment or resistance. But, in applying such a general theorem to practice, allowance must be made for the action of the opposing or retarding influences; and it is in the detection of these influences, in their due appreciation, and in the calculation of their number, duration, direction, and intensity, that the practical skill of the politician, to a great extent, resides. The same is the case with the science of mechanics, in which the tendencies of bodies in movement, or of mechanical powers, are calculated without reference to friction; and with the science of medicine, which teaches the probable effect of a drug or other remedy when the human body is in an ordinary state, but leaves to the skill of the physician to judge how far these effects will be heightened or diminished by an abnormal state of the system.

Thus, for example, it may be affirmed that the natural tendency of aristocracy is to produce political inequality, and of democracy to produce political equality; that certain forms of criminal law and systems of punishment tend to repress crime, and that others fail in this respect; that high duties counteract, and low duties facilitate, the importation of goods. But it cannot be predicted with confidence, in any individual case, that each of these tendencies will produce its natural effect. Thus, an aristocratic government may abolish slavery, while a democratic government may maintain it. A high duty may be so far neutralised by smuggling, as to be inoperative; while the natural tendency of low duties to encourage importation may be frustrated by a deficient supply, by high freights, or by maritime insecurity. In like manner, the

natural tendency of mankind, in a state of imperfect civilisation, is to increase their numbers at a more rapid rate than their means of subsistence. But this tendency may, in any given country, and at a given time, be effectually counteracted by prudence, industry, the love of accumulation, and judicious political and domestic arrangements. The general tendency of monastic institutions is to produce laziness and ignorance in their members; nevertheless, some monastic bodies have been distinguished for their learning, and, during the dark ages, such learning as existed was principally to be found in convents.

In practical politics, moreover, there is the additional difficulty, that not only is the future hard to determine, even where time is afforded for the inquiry, on account of the multitude, intricacy, and diversity of the influences to be considered, but it often happens that a decision must be made on the spur of the moment, and with imperfect information.[1] This difficulty, however, besets every department of active life, and is not peculiar either to politics or ethics. A traveller in an unknown country must act on such information or indications as he can obtain in order to reach his destination, or perhaps to save his life. A commander of a vessel, threatened with shipwreck, must judge, as he best can, how to extricate it from its peril. The general of an army must regulate his manœuvres according to the best information he can obtain respecting the state of the roads and bridges, the feelings of the people, the supply of food, and the enemy's movements.

Moreover, in practical politics, as in the conduct of private affairs, there is much intentional deceit. False reports are circulated, and false information sent, in order to mislead the government; false testimony is given, in order to pervert the course of justice; documents are forged, and other contrivances are resorted to, for the purpose either of concealing the truth, or accrediting falsehood. From this source of error, the physical sciences are nearly free—the chemist, the astronomer, or the optician, has to deal with natural phenomena, in which there is no motive or opportunity for deception; and, even in medical science, the risk of intentional fraud is not in general considerable.

§ 6. Inasmuch as the positive and speculative branches of politics aim at different objects, and rest on evidence of unequal certainty, it is advisable to treat them separately, and to keep their provinces distinct in discussion as much as possible.[2] Positive politics may be taught as

[1] See, on this subject, the remarks of Puffendorf, *Law of N. and N.* l. I. ch. 2, § 4.

[2] 'Speculative systems have, in all ages of the world, been adopted for reasons too frivolous to have determined the judgment of any man of common sense, in a matter of the smallest pecuniary interest. Gross sophistry has scarce ever had any influence upon the opinions of mankind, except in matters of philosophy and speculation; and in these it has frequently had the greatest.'—*Wealth of Nations*, b. V. ch. 1, art. 2.

Undoubtedly, men have been, and continue to be, deceived by gross sophistry in specu-

a system, in connection with jurisprudence and law. It may be reduced to a small number of elementary principles, liable to little doubt or controversy; it admits of as much certainty and simplicity as other sciences, which enter into the course of a liberal education; and it ought not, if properly handled, to involve any questions calculated to arouse party feelings, or to alarm established authorities in Church or State. To which it may be added, that a judicious selection from the best existing works on political philosophy, the law of nature and nations, and general jurisprudence, will furnish most of the materials which are needed for such a scientific exposition. Speculative politics, on the other hand, is a subject which requires a gentle and cautious treatment. Its province is vast, and almost unbounded; its problems are nearly indeterminate; it has been cultivated without a due regard to the laws of scientific analysis, and has been overlaid with fanciful and unsound theories, by writers whose very genius has only served to give currency to their errors, without guiding or illuminating their way; it is likewise, in each country, connected with some of the most stimulating questions by which political, religious, and historical parties are divided from and embittered against each other.

If, by a science of government, is meant a science which teaches what is the one best form of government, at all times, in all countries, and under all circumstances, I agree with Mr. Mill,[1] that no such science can exist. In like manner, the science of mechanics cannot show what is the best machine for accomplishing a given purpose, in every combination of circumstances; the science of navigation cannot teach how a ship is to be navigated, in every combination of circumstances; the science of strategy cannot teach how an army is to be moved, or a fortress attacked, in every combination of circumstances. The science of government, as it has been treated by the speculators on ideal states, stands in nearly the same relation to positive politics, as that in which the sacred theories of the earth propounded by Burnet and others, and the systems of the Plutonians and Neptunians, stand to the modern descriptive geology; or as that in which the speculations on the philosopher's stone and the elixir vitæ stand to modern chemistry and medicine. But if, by the science of government, is understood the science of legislation, such a science can and does exist; although its

lative matters. But I cannot perceive that entire exemption from the dominion of sophistry in questions of practice which Adam Smith believes to exist. That there have been popular delusions, of the most dangerous kind, in practical matters where fear operates, is notorious. Religious impostures, divination, astrology, witchcraft, have also exercised, and in many countries continue to exercise, an almost unbounded sway. Nor has pecuniary interest (as Adam Smith seems to think) been any preservative against error. Commercial bubbles of all sorts—from the South Sea scheme downwards—make a long chapter; and surely the various economical delusions, which Adam Smith himself exposed, and which are still to a great extent current, have a close connection with practice.

[1] See his *System of Logic*, vol. II. p. 578. Compare p. 598.

objects are different from those of positive politics, and its certainty inferior, while its importance is greater.

In whatever manner we look at these two departments of political science—whether we compare their objects, the evidence on which they rest, or the subjects with which they are connected—it is manifest that the cultivation of positive politics has everything to lose, and nothing to gain, by an association with its more ambitious and pretending neighbour.

These remarks, however, are not intended to discourage the investigation of that important class of subjects which fall under the domain of speculative politics, or the science of legislation. Their purpose is merely to recommend the separation of departments of knowledge, which are in their nature different. The field of political science will be better cultivated, if its several portions are clearly marked off, and placed under appropriate labourers.

The speculative branch of politics, consisting of inquiries into the tendencies of political forms, the probable effects of certain laws and institutions, and the best means of promoting the welfare of a civil society, must be combined, to a great extent, with historical and statistical researches; and, perhaps, some of its most useful and soundest theories are to be found in connection with avowed collections or narratives of facts. With the prevailing tendency of the civilised world to look in all things scientific for a positive basis of fact, historical writers, in all the various forms which the registration of human transactions can assume, and not speculators on the most perfect form of government, are the principal teachers of political wisdom.[1]

It ought not, however, to be overlooked, that a distinct, precise, and complete conception of positive politics, and of the ideas involved in it, is a necessary preliminary to a successful excursion into the region of speculative politics. In order that a person should describe the character, trace the effects, and predict the probable future operation, of political forms and institutions, he must previously understand what they are, how they arise, and in what they consist. He must have a familiar knowledge of the tools with which he is to work; he must know the value of the coins with which his traffic is to be carried on. If, therefore, the separation of these two departments should tend to give greater clearness and certainty to those fundamental ideas on which all political science is built, it would, in its consequences, prove an effectual assistance to Political Speculation.

[1] See above, p. 106.

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